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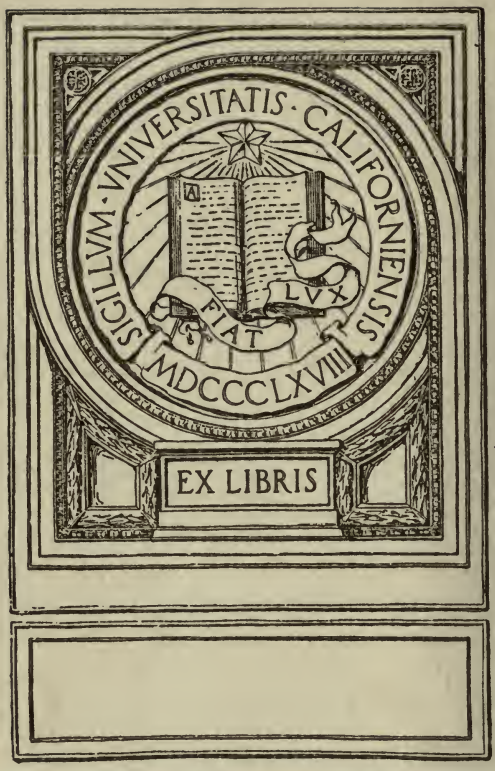

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OBSERVATIONS

On Mr. *FIELDING*'s

ENQUIRY

INTO THE

CAUSES

Of the late INCREASE of

ROBBERS, &c.

In which

Not only the preſent reigning *Vices* among the VULGAR are more candidly and impartially conſidered; but the *Follies* and *Vices* of the POLITER PART of the *Britiſh Nation* are freely repreſented; as alſo the pernicious Conſequences of drinking GIN more particularly deſcribed:

By BEN. SEDGLY, of *Temple-Bar*.

To which are added,

CONSIDERATIONS on the Nature of GOVERNMENT in general; and more particularly of the BRITISH CONSTITUTION: With a VINDICATION of the *Rights and Privileges* of the COMMONALTY OF ENGLAND, in Oppoſition to what has been advanced by the *Author of the Enquiry*, or to what may be promulgated by any *Miniſterial Artifices*, againſt the *Public Cauſe* of *Truth* and *Liberty*:

By TIMOTHY BECK,
The *Happy Cobler* of Portugal Street.

Multa dies variuſque labor mutabilis evi
Rettulit in melius, multos alterna reviſens
Luſit, et in ſolido rurſus fortuna locavit. Virg.

L O N D O N:
Printed for J. NEWBERY in *St. Paul's Church-yard*, and W. OWEN at *Temple Bar*. M.DCC.LI.
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OBSERVATIONS

ON

Mr. FIELDING'S *Enquiry* into the *Cauſes* of the late increaſe of ROBBERS, *&c.*

INTRODUCTION.

A PAMPHLET has lately made its appearance, under the ſanction of a name very familiar to the public, intitled, "An *Enquiry* into the *Cauſes* of the late "increaſe of *Robbers*, &c. with ſome *propoſals* for "remedying this *growing evil:* in which the pre- "ſent reigning *vices* are impartially expoſed; and "the laws that relate to the proviſion for the "*Poor*, and to the puniſhment of *Felons*, are large- "ly and freely examined." We are much indebted to the author of this ENQUIRY for his laborious collection, and expoſition, of ſuch parts of the ſtatute laws, as were originally intended for the happineſs of ſociety, the welfare of the community, the advancement of morality, the ſecurity of property, and the puniſhment of the violators of national felicity: if the continuance of the former, and the rigorous proſecution of the latter, are his predominant motives; if his ſentiments proceed only from ſuch obſervations as he has had an indiſputable opportunity of making in his judicial capacity, his intentions are truly

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laudable; but if they ſpring from a former ſource of venality, if his motives are only ſubſervient to ſome latent purpoſe of miniſterial iniquity, how ought they to be dreaded, and held in deteſtation! I am charitable enough to put the moſt favourable conſtructions on every tranſaction apparently intended for the public utility, and the benefit of mankind; but more eſpecially in an attempt of this nature, which muſt conſequently ſubject the author to many calumnious reproaches, either from ſuch as are avowed enemies to every innovation on the conſtitutional privileges of *Britons*, or thoſe who aſſume an illimitable toleration of cenſorious invectives againſt every production from the preſs: however, as ſeveral parts of the abovementioned pamphlet are juſtly exceptionable, I have thought it incumbent upon me, as an *Engliſhman*, to illuſtrate every theſis of it, which carries a conviction of its propriety for the national benefit; as well as to remonſtrate againſt ſuch paſſages, as ſeem calculated more to the depreſſion than exaltation of government, and tending leſs to the ſubverſion of immorality than what may be eaſily accompliſhed.

RIDICULE, however delicately played off, few can bear, ſcarce any can forgive; but when the arrow hath neither point nor feathers, it both bruiſes and irritates: I have no intention of dipping my pen in the gall of ſcurrility, for to rail when we ought to reaſon, and to laugh, with the ſatire of a *Procruſtes*, when we take upon us to convince a nation that they are haſtening to deſtruction, are both inherently abſurd, and defeat the very purpoſes we aim at: the difference is as wide between ſpirit and rage, as between wit and obſcenity; I am in no ſatirical diſpoſition, becauſe I am of opinion, that, while we are diſplaying the public ſorrow, it ought to be with a ſolemnity

lemnity equal to that, when filial affection opens the curtain upon a dying parent. Granting that I am offering my thoughts in oppoſition to a perſon of more eminent abilities, in judicial matters, let it not be imputed to vanity: but ſuppoſing that was the cauſe, is it not a commendable one? To be vain of contributing to the national ſervice, either by acting, ſpeaking, or writing, is a paſſion that every man ought to indulge, and every good man will encourage; for it is only ridiculous when founded upon trivial circumſtances, or directed to ridiculous objects; but to be vain of ſerving mankind, our country, or our friends, is highly meritorious; the *Roman* hiſtory evidently ſhews it, where it appears that their greateſt generals, conſuls, and dictators, were proud of publiſhing their ſentiments and orations upon important matters: ſhall then a *Britiſh* ſubject be aſhamed of what a *Roman* general, conſul, or dictator, was proud of doing? Or ſhall the cenſures of any miniſterial paraſite, crimſon the face of a true *Briton*, with an awe-excited bluſh, for being zealous in the cauſe of his country; or for entertaining that vanity, which muſt, and will, be applauded by every friend to virtue, liberty, and public ſpirit, *though he is* CERTAIN *he has no immodeſt opinion of his own abilities?*

THE Author of *the Enquiry*, in his preface, ingenuouſly acknowledges, "The principal deſign "of his whole work, is to rouſe the CIVIL pow-"er from its preſent lethargic ſtate:" he has taken abundance of pains in explaining the nature, and alteration, of the *Britiſh* conſtitution, the acceſſion of power in the commonalty, and the declenſion of the civil authority; to which I ſhall make ſuch objections as naturally occur to me, on the occaſion, in a more convenient place; but, at preſent, ſhall confine my ſelf to what is

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apparently the more eſſential part of his meaning, "the prevention of the preſent great increaſe "of ROBBERIES."

WHILE the inhabitants of this opulent metropolis are in continual danger for the ſafety of their perſons, and the ſecurity of their properties, certainly the attempt is laudable, that endeavours to put ſuch ſalutary methods into execution as are apprehended to be moſt conducive for the ſuppreſſion of ſuch public enormities: concerning theſe, the author of *the Enquiry* has freely delivered his opinion on ſo material a ſubject; which he has reduced into eleen ſections, preceded by a dedication, preface, and introduction; the two laſt pointing out the alteration in our political conſtitution, expatiating on the great increaſe of robberies within theſe few years, and the inconveniencies reſulting from ſuch dangerous gangs of incorporated rogues, permitted with extraordinary impunity by faults in the conſtitution.

HIS ſections bear the following titles.

1. "*Of too frequent and expenſive* DIVERSIONS "*among the lower kind of people.*"
2. "*Of* DRUNKENNESS, *a ſecond conſequence* "*of luxury among the vulgar.*"
3. "*Of* GAMING *among the vulgar, a third* "*conſequence of their luxury.*"
4. "*Of the laws that relate to the* PROVISION "*for the poor.*"
5. "*Of the puniſhment of* RECEIVERS OF "STOLEN GOODS."
6. "*Of laws relating to* VAGABONDS."
7. "*Of apprehending the perſons of* FELONS."
8. "*Of the difficulties which attend* PROSECU- "TIONS."
9. "*Of the* TRIAL *and* CONVICTION *of fe-* "*lons.*"
10. "*Of*

10. " *Of the encouragement given to robbers by* " *frequent* PARDONS."
11. " *Of the manner of* EXECUTION."

To give these different sections all their intended efficacy, I have connected the dependent articles together, and thrown the whole into three divisions. In the first place I have proceeded to draw a short recapitulation of the several contents of the sections in *the Enquiry*; in the next place to illustrate what seems worthy of observation, by representing such additional arguments as seem requisite for enforcing those observations; or to draw such concluding inferences, as may carry a just refutation of such assertions as deserve to be rejected.

SECTION I.

Of Public Diverſions, Drunkenneſs, *and* Gaming.

IN the firſt ſection the author of *the Enquiry* declares it, as his opinion, "*That the vaſt torrent of luxury, which of late years hath poured itſelf into this nation, hath greatly contributed to produce, among many others, the miſchief he complains of.*" he repreſents the pernicious conſequences of this alluring vice, deſcending from the ſuperior to the inferior rank of the community; to which, he ſays, vanity and voluptuouſneſs are two principal motives; and which he adviſes to have removed by the interpoſition of the legiſlature, in ordaining a new law for ſuppreſſing the *public diverſions* ſo frequently reſorted to by the artificer, the handicraft, the apprentice, and common labourer; whoſe time being ſynonimous to money, the miſapplication of it, either by running the timorous into debt, plunges them in the miſeries of a goal; or brings the more animated ſpendthrift to an ignominious death: however, he does not want the extirpation, but only the retrenchment, of *diverſions*; and this confined entirely to the lower order of people; even among whom, he is ſenſible, no final blow can be given to luxury, by any general prohibition, where nothing is applicable but palliatives of the gentleſt kind.

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In the second section it is asserted, that "Drunkenness *is almost inseparably annexed to the pleasures of the vulgar*," which the author considers not only as frequently productive of robbery and murder, but even as the parent of all other vices. He mentions the precautions taken, by our progenitors, against the increase of this inebriating passion; "*And gives a cursory view of the statutes on this head, to demonstrate of what consequence to society the suppression of this vice was in the opinion of our ancestors*," in which he enumerates the penalties and punishments awarded against illegal publicans, those who suffer tippling in their houses, and such as are guilty of tippling in unseasonable hours; which, if they had been properly executed, he thinks, would have been sufficient to accomplish all the salutary uses for which they were intended; but the remissness of the magistrates having rendered these provisions in a manner obsolete, "*therefore*, he is of opinion, *that if it be thought proper to suppress this vice, the legislature must once more take the matter into their hands*;" to which he thinks they will be the more inclined, when they consider the destructive maladies, equally prejudicial to the natural and politic constitution, so publickly, and so perpetually flowing from "*the strongest intoxicating liquors, and particularly by that poison called* Gin," whose pernicious effects he endeavours strenuously to inculcate into the minds of his readers; for the abolishing of which he proposes either *the absolute deletion* of spirituous liquors; *or* "*to palliate the* evil, and lessen its immediate ill consequences, by a more effectual provision against Drunkenness, than any we have at present, in which the method of conviction is too tedious and dilatory."

He asserts, in the third section, "*that* Gaming *is the last great evil which arises from the luxury of*

"*the*

" *the vulgar:*" he ſhews the deluſions and temptations of this vice, to its votaries of the inferior rank, whom he would have deterred from exerciſing ſo baneful a habit, by proper reſtrictions; though he acknowledges he does not imagine that there is a " ſufficient energy, in the executive " part of our conſtitution, to controul the oecono- " my of the great, who are beyond the reach of " any unleſs capital laws." He repreſents the countenance given to *Sharpers* among gentlemen in public aſſemblies; the eaſy tranſition of the former to highwaymen; and the ſtatute of *Queen Ann* for preventing their diſſolute way of living. He then gives a ſummary account of ſuch proviſions as have been taken by the legiſlature, ſince the reign of *Henry* VIII, for the prevention of *gaming* in the lower claſſes of life: from whence he draws this inference, " *that it may thereby ap-* " *pear that the magiſtrate is armed with ſufficient* " *authority to deſtroy all gaming among the inferior* " *people*; *and that, without his neglect or connivance,* " *no ſuch nuiſance can poſſibly exiſt:*" though he acknowledges that thoſe proviſions are not properly executed, and gives a plauſible reaſon why they are neglected. He then proceeds to ſhew other proviſions againſt this deſtructive vice, with the penalties on prohibited *games*, and thoſe for the depreſſion of extravagant *gaming*, which he confeſſes to have done, " *partly for the uſe and encour-* " *agement of informers, and partly to inſinuate to cer-* " *tain perſons with what decency they can openly of-* " *fend againſt ſuch plain, ſuch ſolemn laws, the ſevereſt* " *of which many of themſelves have, perhaps, been* " *the makers of.*"

THOSE *vices of too frequent and expenſive* DIVERSIONS, DRUNKENNESS, *and* GAMING, *among the vulgar*, the author of *the Enquiry* conſiders as the

ſeveral

ſeveral immediate conſequences of a general luxury among the lower kind of people: I ſhall, therefore, beg leave to ſubjoin my ſentiments on this occaſion.

1ſt. As *to public diverſions*, which I ſhall conſider in their political extent. "*Cræſus* being "aſked by *Cyrus*, how he ſhould effectually en- "ſlave a nation he had conquered, anſwered, by "debauching their manners; by letting looſe in- "temperance among them; becauſe the chains "of luxury are the eaſieſt borne, and the hardeſt "to break of any in the world." Nothing is a more certain omen of a declining ſtate, whether it be an abſolute monarchy, a limited monarchy, or a commonwealth, than the prevalence of vice, immorality, luxury, and corruption. Whilſt the *Athenian* and other *Grecian* ſtates preſerved their integrity and temperance, they likewiſe maintained their liberties in full vigour, and kept all the neighbouring princes in awe: but when they degenerated from their ancient virtue; when the love of their country gave way to the love of riches, ambition, and voluptuous pleaſures, they ſoon became the abject ſlaves of an inſolent conqueror. The ancient commonwealth of *Rome* underwent the ſame dreadful revolution, and by the ſame means; for from the moſt abſtemious and rigid way of living, which made them, in a manner, the lords of the univerſe, they ſunk, all on a ſudden, as *Monſieur Vertot* obſerves, into the loweſt kinds of effeminacy, luxury, and proſtitution, under the falſe notion of politeneſs. While this great people adhered to the poverty of their anceſtors, they preſerved their liberty; and that poverty, which was at firſt neceſſity, became at laſt a political virtue; it was the guardian of the commonwealth, as it was an invincible bar to luxury and ambition: in thoſe days

of their virtuous poverty, to contemn wealth was honour; they gloried in their domeſtic poverty; they fought only to augment the public treaſures, for the riches of the republic they accounted their own. But after their conqueſts of *Italy*, and the neighbouring nations, luxury poured in upon them, at once, with the plunder of their provinces: pleaſure, idleneſs, and private intereſt, ſucceeded to temperance, labour, and zeal for the public: a general, an univerſal influence, or corruption, ſeized the ſtate; all things were venal; juſtice was publickly ſold at their tribunals; the voices of the people were openly purchaſed; while intrigues of bribery advanced the very conſuls to their offices. New exactions were impoſed upon the people, who were awed, by their provincial military power, from repreſenting their grievances: the pureſt blood of the people was ſacrificed to indulge the moſt deteſtable luxury: earth and ſeas were ranſacked to ſupply the elegance of the patrician tables; and, as *Pliny* tells us, they were not aſhamed to purchaſe cooks from *Gaul* at 2,000 ſeſterces, or about 300 *l.* a year, to excite their libidinous palates; their youth became degenerate and effeminate, ſo as to give *Cæſar* an eaſy victory at *Pharſalia*; and a few years after we find the liberties of this mighty empire buried and loſt for ever; which, of courſe, reduced them from being the moſt free, the moſt warlike, and the moſt glorious people recorded in hiſtory, to the arbitrary ſubjection of the moſt bloody monſters that ever debaſed human nature, and rendered the very name of government odious in the eyes both of god and man.

I AM unwilling to prognoſticate the ſame miſerable fate to our own country; but, as the ſame cauſes muſt conſequently produce the ſame effects, how ought we to dread, what ought we not to attempt

attempt againſt the calamities that ſeem to threaten the very root of our government? We have ſtill the remains of a moſt excellent conſtitution, delivered down to us by a long ſucceſſion of anceſtors, who were a rough, hardy, brave people, untainted with corruption, like the ancient *Greeks* and *Romans*. We have likewiſe a good and gracious ſovereign, of our own chooſing, whoſe intereſt it is to maintain our juſt rights and liberties, as the only firm and permanent foundation of his throne, the poſſeſſion of which among the legal deſcendants of his illuſtrious family, is, or ought to be, the ardent wiſh of every honeſt *Briton*. But the open contempt of all virtue, honour, and honeſty, which is lately grown ſo common amongſt us, and hath infected multitudes of all ranks and profeſſions, affords but a melancholy proſpect. Theſe diſtempers of the ſtate have been gradually creeping upon us for ſeveral reigns paſt; eſpecially ſince the reſtoration of *Charles* II: the tide of real wealth accumulated by ſome particular favourites of fortune in the *South-Sea* year, and the golden dreams which poiſoned the imaginations of all, broke up every ſource of luxury at once; and the examples of prodigality, then ſet, have become the ſtandard ever ſince; inſomuch that the furniture and expences of every tradeſman, now equal thoſe of the merchant formerly; thoſe of the merchants ſurpaſs the firſt rate gentlemen; thoſe of the gentlemen, the old peers; and our peers, eſpecially our place-men peers, thoſe of our antient monarchs.

Luxury is to property, what a plague is to health; it is equally contagious, and equally deſtructive; it is the diſeaſe of which the nobleſt monarchies, and moſt flouriſhing ſtates, have expired; and when it becomes epidemical in a country, depending on commerce, muſt not a diſſolution inevitably enſue? All other nations have each their

favourite luxury; as the *Italian* his pompous palace, the *Frenchman* his fine ſuit, the *Polander* his ſplendid equipage, the *German* his capacious cellar, and the *Spaniard* his bead-roll of titles: but our depravity is univerſal; luxury and extravagance reign to the height in every rank of men, and are equally viſible in every claſs of women; which is the more to be lamented, becauſe our degeneracy is not owing to any natural cauſe; *Engliſhmen* are not of themſelves biaſſed to luxury, nor our women to extravagance; were the cuſtoms practiſed only which were of *Britiſh* growth, we ſhould ſoon again ſee one ſex induſtrious and brave, the other frugal and chaſte.

THIS alteration of our manners is owing to the follies and vices, which our people of faſhion too generally contract in polite countries of ſervility, where the policy of arbitrary government indulges them; and having there acquired, what they call, a refined improvement in life, transfer into this iſland of boaſted liberty, their exotic corruption to debauch the minds of their countrymen, who are but too ready to approve of any thing that has the appearance of novelty. No cenſure has been more juſtly made on this nation, than on the abſurd imitation which the people of both ſexes ſhew, to arrive at the delicacy of the mode and manner of the *French*; and this folly has, within a quarter of a century, prevailed ſo far, that the old plain manly frankneſs of a *free Briton*, is almoſt poliſhed away into the ſycophant flattery and obſequious ſlavery of a *Frenchman:* hence it is, that moſt of our modern fine gentlemen and ladies have more politeneſs than their anceſtors, but leſs good ſenſe or good manners; what, at preſent, generally paſſes under the name of *good breeding*, is either a mean ſervility to a ſuperior, or a deceitful appearance to an equal: in the

ſame manner is the ſenſe of *being polite* corrupted; it is not to be learned, humane, with all the amiable endowments of ſocial and domeſtic virtues, to gain an honourable eſteem; for by politeneſs we muſt now underſtand luxury and extravagance. But what is this luxury and extravagance among the politer world? Show, equipage, pomp, feaſts, balls, and ſuch other invidious refinements on the honeſty of our natures: a modern ſupper in the *Hay-market*, has been more expenſive than two months open houſe-keeping at a country ſeat: one of theſe nocturnal meals raiſes an ambition in another to be at leaſt equally polite: maſquerades, ridottos, operas, balls, aſſemblies, plays, the gardens, and every other big-ſwoln child of *luxury*, in the height of exceſs, becomes the proof of a taſte for the elegancies of life. From the ſame weak ambition, of endeavouring to vie and rival one another in the unneceſſary ſuperfluities, baubles, and playthings of the world, the extravagance of this age actuates the people of all conditions, from the peer to the artizan, and they both become poor to appear ſplendid. I would not be underſtood to be an advocate for an unbecoming and ungenerous parſimony: I would have all my countrymen, according to their fortunes, enjoy thoſe indulgencies, their rank of birth and eſtates may allow of, which, as the rewards of their induſtry, they may juſtly participate; but for a nobleman to be as laviſh as if he had the revenue of a prince, or a tradeſman as if he had the eſtate of a peer, muſt introduce ſuch a corruption of luxury and expence, as would render the moſt free and noble people ſycophants and ſlaves.

To conſider this ſordid emulation in *luxury*, as a philoſopher only, it is productive of no one good, as ſerving rather to debaſe than exalt the

ſpecies:

ſpecies: and to conſider it as a politician, we find it teeming with all manner of miſchiefs; cramping induſtry, introducing idleneſs, foſtering a moſt pernicious pride, opening the door to extravagance, and in the end entailing poverty and beggary upon every nation where it is countenanced. A man once engaged in this extravagant courſe of living, is ſeldom able to extricate himſelf in time, but is precipitated on to the brink of ruin, reduces a helpleſs family to want and miſery, and muſt at length ſink under a weight of misfortunes; or, through neceſſity, be drove to attempt what may ſacrifice his honour, country, and conſcience, with every other conſideration, to a preſent relief; which may, which muſt, terminate, either in the total deſtruction of his life, or the abſolute loſs of his character; the ſuperior part of the community will be ſubjugated to miniſterial influence, and the inferior expoſed to the ſeverity of affronted juſtice. For, however amiable virtue and integrity may appear in our eyes, human nature will find it difficult to withſtand the threatening miſery of immediate want; a priſon ſtaring a man in the face, continual duns at his door, or want of his accuſtomed pleaſures, will drive him to extremities, which nothing but neceſſity could occaſion.

With ſo many outlets for expence, it is no wonder that our poverty equals our prodigality; nor ought we to be ſurprized that the dearth of money annually increaſes; ſince, excluſive of what is hoarded out of the monſtrous revenue at preſent exacted from the people, every miſer who has quartered himſelf upon the public, by throwing his fortune into the funds, forms a little reſervoir of his own, which never ſees the light any more, unleſs in caſe of a loan to the government; which is to him, what the ſeed-time is to the farmer;

mer; who, though he ſcatters abroad his grain, is ſure to receive it back with uſury. So inadvertently luxurious have we been, at a time when we were contending with two potent nations at once, that hiſtory affords us no parallel inſtance of a people ſo thoughtleſs and ſecure, while our enemies were threatening us with exterior deſtruction, and we had reaſon to apprehend an interior decay. Did we ſo much as dream of any reformation of manners? Did we addreſs ourſelves to reduce any one article of expence? Did we, as individuals, think it incumbent on us to make the leaſt preparation againſt either of thoſe ſtorms, which, at laſt, roſe to ſuch a heighth as required all our ſtrength and ability to weather? On the contrary, did we not wallow, as before, in every riotous exceſs? Did we not, and do we not, continue the ſlaves of luxury? Were not oſtentation and prodigality the great buſineſs of our lives? Did we not eſteem every moment loſt, that was diverted from thoſe favourite purſuits, and every monitor impertinent, who endeavoured to rouze us from that fatal lethargy? But now, while we are bleſt with the halcyon-calm of peace; even at this time, when ſuch is the ſtate of the commonwealth, when ſuch is our national calamity, a life of frolic and extravagance, ſupineneſs and inſenſibility, is a life of infamy. How different are our modern aſſemblies of routs, drums, drum-majors, riots, and hurricanes; in which every member has a ſelfiſh view of intereſt at play, or the gratification of a ſenſual paſſion: how reverſe are theſe to the amicable ſocieties of men, who meet either to communicate to each other what is profitable in ſcience, advantageous in commerce, or delightful in literature; to converſe on the preſent ſtate of learning, of the nation, or on ſuch ſubjects as appear agreeable to the preſent diſpoſition of the company,

ny, where they are ſometimes relieved from the graver operations of the mind, by the pleaſing, though light, ſallies of wit and humour! In the former, men ſeem to diveſt themſelves of what diſtinguiſhes them from other animals; in the latter, they appear in a light becoming the dignity of their nature: but, as for the ladies, it muſt be acknowledged, that to be fantaſtical is the privilege of a *fine woman*, and the prerogative of a *great one*.

THESE are the public evils; evils flowing from the extravagance of youth, or the venality of age: it is from theſe fatal ſprings the venom flows, that has already more than half-ruined our conſtitution; and, unleſs theſe are purified, we can never hope for an effectual relief. Where then ſhall we find a remedy? Where ſhall we look for an efficient cure? Not from laws; none can be ſo framed, as to reach the fountain-head; and ſuch a remedy would, perhaps, be worſe than the diſeaſe. How then? from the leaders of the herd; from better examples; from a little more countenance ſhewn to the underſtanding, and leſs to the appetite; from an affection manifeſted to virtue, and a delicate ſenſe of honeſt fame: for to be of conſequence to the publick, a man ſhould be amiable in private life; and whoever would puniſh the faults of others, ſhould firſt qualify himſelf to proſecute by amending his own: then may we expect to ſee the turbid ſtream gradually refining to its primitive purity; then may we find the depreſſion of every fatal malady reſulting from the contaminating dregs of *luxury*; the example of the nobleman ſhall reform the depravity of the gentleman; the temperance of the gentleman ſhall reſtrain the vanity of the tradeſman; and the frugality of the tradeſman ſhall awaken the induſtry of the laborious handicraft: but if theſe are neglected; if

luxury,

luxury, like a leproſy, is permitted to ſpread itſelf over the whole body politic, from the court down to the cottage, we muſt expect no other alternative than the ſubverſion of all our liberties, and the entire change of our conſtitution: eſpecially when we conſider that all beyond a ſufficiency is too much; that all beyond nouriſhment is luxury; and that all beyond decency is extravagance; that intemperance has a ſmiling aſpect, but a dreadful retinue, conſiſting of the whole aſſemblage of diſeaſes; that death has been their cook, and that he has infuſed a ſlow poiſon into every palatable ingredient.

The author of the *Enquiry* has pretty largely expatiated upon the toleration of ſuch amuſements as legiſlators have ordained for the neceſſary temperament of labour, and of the perverſion of this inſtitution, at this time ſo viſible among the inferior part of our own countrymen: he makes it apparent, that theſe public diverſions are the principal ſources of poverty, and poverty the common parent of robbery; for the prevention of which, he apprehends, a new law is neceſſary, to retrench that branch of luxury; becauſe, he ſays, "the powers of the magiſtrate are ſcarce exten-"ſive enough, under any proviſion extant, to "deſtroy a hydra now become ſo pregnant and "dangerous." I readily acknowledge that there is too great a variety of places, in this town, and about its neighbourhood, ſet apart for the amuſement of the loweſt order of the people; I acknowledge that they are ſo many ſeminaries of idleneſs; and that it would be highly conducive to the intereſt of the community to retard the progreſſion of ſuch nuſances to induſtry: but this ought to be done with all imaginable mildneſs and circumſpection; a free people ſhould be treated like a fine woman, who muſt be tenderly made

 ſenſible

ſenſible of her foibles; the nature of an *Engliſh-man* is irreconcileable to the leaſt addition of any other penal laws, than ſuch as are found abſolutely neceſſary; and it ought to be had in remembrance when an act was paſſed in the year 1736. "*to ex-*" *plain and amend ſo much of an act paſſed in Queen* " *Anne's reign relating to rogues, vagabonds,* &c. *as* " *relates to common players of interludes,*" that this amendment, as it laid the ſtage under a licence, was generally looked upon as a prelude to licenſing the preſs, than which nothing can be more unconſtitutional and repugnant, as well to the nature of our country, as to the genius and inclinations of our people. But if ſuch reſtrictive powers, as ſhall be neceſſary for the ſuppreſſion of idle diverſions, are intended to be put in execution, perhaps it may not be improper to offer the following propoſal for accompliſhing ſo important a deſign. I would propoſe that no perſon whatſoever ſhould be admitted into any place of public diverſion, without a ſtampt ticket, on forfeiture of ten pounds for every perſon admitted, to be paid by the maſter or proprietor of the place; half to the informer, and half to the poor of the pariſh; the perſon ſo admitted to be received as an informer. All tickets to be ſtampt *pro rata*, according to their cuſtomary price; by which a box or pit ticket to the opera or oratorio, ſhould be ſtampt with a half guinea ſtamp; a gallery ticket for the opera to have a crown ſtamp; a box ticket for the play three ſhillings; a pit ticket half a crown; and gallery tickets eighteen-pence: tickets for *Ranelagh* or *Vaux-hall*, to have an eighteen-penny ſtamp; the ſame for *Cupers*, *Marybone*, *Ruckholt*, *Dulwick*, *Greenwich*, *Kendal-Houſe*, *Kilburne*, and other places of ſuch entertainments; *Sadler's-Wells*, *Goodman's-fields*, and ſuch places, one ſhilling; and public-houſes with organs, or other muſical inſtruments,

ments, ſix-pence; and theſe taxes to be continued all the year, except at ſuch particular times, when the legiſlature ſhall think proper to withdraw the duty, for the ſhort entertainment of the populace: by which a conſiderable fund will be created out of the moſt opulent purſes; the politer pleaſures confined only to the politer company; while mechanic vanity will find induſtry her beſt companion, and every occupation of trade ſeek only to prevent the ſtagnation of commerce.

2d. *As to the* DRUNKENNESS *of the Vulgar*, it muſt be acknowledged to be productive of every other degree of profligacy; and the author of the *Enquiry* has ſhewn the proviſions formerly taken by the legiſlature for the ſuppreſſion of ſo atrocious a vice, which he ſays was firſt introduced into this kingdom by the *Danes*. The low price, and free exerciſe, of ſpirituous liquors, are certainly the greateſt incentives for the propagation of this abominable habit, ſo pernicious to the health of individuals, and ſo deſtructive to the proſperity of the community; and, therefore, it ſeems requiſite to give this ſubject a more ample diſcuſſion than has been beſtowed on it by the author of the *Enquiry*, who ſeems to intimate that the legiſlature are unacquainted with the bad conſequences ariſing from the preſent uſe of ſpirituous liquors.

THE firſt principle of policy, teaches us, that the power and greatneſs of a ſtate, ariſes from the number of its people: uninhabited dominions are an empty ſhow, and ſerve only to encumber the nation to which they appertain; they are a kind of pompous ornaments which muſt be thrown away in time of danger, and equally unfit for reſiſtance or reſtraint. Another principle of government, which the wiſdom of our progenitors eſtabliſhed, was, to ſuppreſs vice with the utmoſt

diligence: becauſe, as vice muſt always produce miſery to thoſe whom it infects, and danger to thoſe who are conſidered as its enemies, it is contrary to the end of government; and the government which encourages vice is neceſſarily labouring for its own deſtruction: for the good will not ſupport it, becauſe they are not benefited by it; and the wicked will betray it for the ſake of profligacy. Sagacious legiſlators have been ſenſible, that the natural train of conſequences attendant on *drunkenneſs* are idleneſs, neceſſity, wickedneſs, deſperation, ſedition, and anarchy: therefore, in every civilized country, this vice has been interdicted; the prohibition of thoſe commodities which are inſtrumental to vice, is not only dictated by policy, but nature; for even the *Indians* of *Georgia*, who have not yet reduced the art of government to a ſcience, have been able to diſcover that diſtilled liquors are pernicious to ſociety; and, therefore, they have petitioned that none of this delicious poiſon ſhould be imported into that colony; theſe uncivilized *Indians* have deſired the politer *Britons* to confine this fountain of wickedneſs and miſery to ſtream in their own country, without pouring upon theſe ſons of ſimplicity, thoſe inundations of debauchery, by which the refined *Europeans* are overflowed.

SPIRITUOUS liquors have not been long in uſe among the common people of *England*, becauſe they were at firſt only imported from foreign countries, and were conſequently too expenſive for the luxuries of the vulgar. In time, it was diſcovered, that it was practicable to draw from grain and other products of our own ſoil, ſuch liquors as, though not equally pleaſing to elegant palates with thoſe of an exotic produce, reſembled them at leaſt in their inebriating quality, to be afforded at an eaſy rate, and of courſe to be generally purchaſed.

purchaſed. This diſcovery gave riſe to the new trade of diſtilling, which has occaſioned a kind of contagious infatuation for many years among the common people; whereby they have been incited to poiſon themſelves, and to emaſculate their children, with diſtilled ſpirits; they have forſaken thoſe liquors which in former times enlivened their converſation, and exalted their merriment; inſtead of ale and beer, they have rioted of late, in the contaminating cup of, what has not been improperly called, by a venerable biſhop, *liquid fire*.

The amazing increaſe of the conſumption of ſpirits, was a proof too evident of the prevalence of this deſtructive ſpecies of *drunkenneſs*: for there were in this city alone, no leſs than 1,500 large ſhops, in which no other trade was carried on, but that of retailing theſe pernicious liquors: in the year 1733 the number of gallons extracted from malt or corn was 3,934,837, which in 1735 increaſed to 5,394,823, and in thoſe three years the duty, at three-pence a gallon, amounted to 178,464*l.* 10*s.* 6*d.* The conſequences of theſe liquors were too apparent to eſcape the penetration of the legiſlature: it was evident that theſe ſpirits, had a natural tendency to inflame the blood, to conſume the vital juices, deſtroy the force of the veſſels, contract the nerves, and weaken the ſinews; that they were not only a temporary diſorder to the mind, but that, by a frequent uſe, they precipitate old age, exaſperate diſeaſes, multiplying and increaſing all the infirmities incident to the human compoſition. So public, ſo enormous, was this dreadful method of debauchery, that it was found to be productive of many political evils, by creating in almoſt every one, a high opinion of his own merit; by blowing the latent ſparks of pride into flame; and, therefore, deſtroying all voluntary ſubmiſſion, putting an end to ſubordination, and exalting

exalting every man to an equality with his master or his governor; by repressing all that awe which retains men within the limits of their proper spheres; and by inciting every man to press upon such as stood before him, that stood in the place of which that sudden elevation of heart, which *drunkenness* bestows, makes the drunkard think himself worthy. Pride is the parent, and intrepidity the fosterer of resentment: for this reason, men are almost perpetually addicted, in their debaucheries, to quarrels and to blood-shed; they think more extravagantly of their personal merit; and, therefore, more readily conclude themselves injured; they are wholly divested of fear, insensible of present danger, superior to all authority, and thoughtless of future punishment: there is then no method of preventing them from expressing their resentment with the most offensive freedom, or pursuing their revenge with the most daring violence.

GOVERNMENT subsists upon reverence; but what reverence can be paid to the laws, by a crowd, of which every man is exalted, by the enchantment of those intoxicating spirits, to the independence of a monarch, the wisdom of a legislator, and the intrepidity of a hero? When every man thinks those laws oppressive, that oppose the execution of his present intentions, and considers every magistrate as his persecutor and enemy? Laws suppose reason; for who, ever attempted to restrain beasts but by violence? therefore, those that intend the promotion of public felicity, which can be produced only by an exact conformity to expedient laws, ought to endeavour at the preservation of, what may not be improperly called, *the public reason*; they ought to prevent a general depravation of the faculties of those whose benefit is intended, and whose obedience is required; they

they ought to take care that the laws may be known; for how elſe can they be obſerved? and how can they be known, or at leaſt how can they be remembered, in the heats of *Drunkenneſs?*

ALL theſe conſiderations awakened the legiſlative attention, who, ſoon after the acceſſion of his preſent majeſty, had prohibited the uſe of compound ſpirits, by a particular act of parliament; but as they were convinced that this law was eluded, by ſubſtituting liquors ſo drawn as not to be included in the ſtatute, it was ſoon after repealed, and the people were, for a time, permitted to drink diſtilled liquors, without any reſtriction; becauſe a proper method of reſtraining them was not eaſily to be found. However an effectual law was at length zealouſly promoted, by thoſe who were then moſt diſtinguiſhed for their virtue and their prudence: every man, who had any regard for the happineſs of the public, was alarmed at the inundation of licentiouſneſs, that overflowed this metropolis of the united kingdom, and began to ſpread itſelf to the remoter parts of the nation; and it was determined that nothing but a total prohibition of diſtilled liquors could preſerve the national tranquility, or be a means of a reſtoration to public virtue. Accordingly, in the year 1736, an act of parliament was paſſed, which prohibited the retail of diſtilled liquors in leſs quantities than two gallons, without a licence, for which 50*l.* was to be paid; under a conſiderable pecuniary penalty: by which act it was declared, "That "the drinking ſpirituous liquors, or ſtrong wa- "ters, was become very common, eſpecially "amongſt the people of lower and inferior rank; "the conſtant and exceſſive uſe whereof tended "greatly to the deſtruction of their healths, ren- "dering them unfit for uſeful labour and buſineſs, "debauching their morals, and exciting them to

"per-

" perpetrate all manner of vices: and the ill con-
" ſequences of the exceſſive uſe of ſuch liquors
" were not confined to the preſent generation,
" but extended to future ages, and tended to the
" devaſtation and ruin of this kingdom:" by which it was expected the people would immediately return to the uſe of more innocent and healthful liquors. But with how little knowledge of the diſpoſitions of the populace, this hope was formed, the event quickly diſcovered: for no ſooner was this favourite parent of intemperance prevented from continuing to expoſe the peſtilential nutriment of her corrupted boſom, than a general murmur was raiſed over all parts of the capital city; and all the inferior claſs of people teſtified their diſcontent in the moſt open manner. Multitudes were immediately tempted, by the proſpect of uncommon gain, to retail the prohibited liquors: of theſe many were detected, and many puniſhed: the trade of information was ſo lucrative, and ſo cloſely followed, that there appeared no doubt but the law would be productive of its expected effect; and that the moſt obſtinate retailers would, by repeated proſecutions, be diſcouraged from the practice. But no ſooner did the people find their favourite gratification in real danger, than they unanimouſly engaged in its defence; they diſcovered that without informers the new law was without operation; therefore, the informers were perſecuted without mercy and remiſſion, till, at laſt, no man would venture to provoke the reſentment of the populace, for the reward to which information intitled him: though it muſt be alſo conſidered, that the proſpect of raiſing money incited many to turn information into a trade; and the facility with which the crime was to be proved, encouraged ſome to gratify their malice by perjury, and others their avarice; ſo

that, at first, the multitudes of informations, became a public grievance, and the magistrates themselves complained that the law was not to be executed. Thus one law was eluded by artifice, and another defeated by violence: the practice of drinking spirits, however pernicious, was still prevalent; the magistrates could not punish a crime of which they were not informed, and they could obtain no information of a practice vindicated by the populace.

In the year 1737, indeed the consumption of distilled liquors, amounted to no more than 3,611,155 gallons; but when the populace had rode triumphant over the law, the reviving vice spread wider and wider, and every year added regularly another million of gallons to the quantity of spirits distilled, till the year 1742, when they amounted to 7,161,437 gallons. At this time the *British* nation was involved in an expensive war; and the ministry, when they found the inefficacy of the late law, thought it expedient to make the people pay for their luxury, by raising an additional impost on their intoxicating liquors. Accordingly another act was passed, intitled, "An act for repealing certain duties on spirituous liquors, and on licences for retailing the same, and for laying other duties on spirituous liquors, and on licences to retail the said liquors:" by which a duty of six-pence a gallon, was laid on at the still-head, and the licence was to cost but twenty shillings, which was to be granted only to such as had licences for selling ale; the revenue of which was immediately mortgaged for the payment of 481,400*l.* borrowed on the bills on the victuallers act in the year 1726, and for the further payment of an additional sum of 518,600*l.* rose upon this occasion, making the fund a security for a million: for, at the same time, another act was

paſſed, intitled, " An act for repealing the ſeveral " rates and duties upon victuallers and retailers of " beer and ale, within the cities of *London* and " *Weſtminſter*, and the weekly bills of mortality, " and for transferring the exchequer bills unſatiſ- " fied thereupon, to the duties for licences to ſell " ſpirituous liquors and ſtrong waters by retail; " and alſo for enabling his majeſty to raiſe a cer- " tain ſum of money, for the ſervice of the year " 1743, to be further charged on the ſaid duties " for licences." This was, at that time, aſſerted, by ſeveral eminent perſonages who preſided in the adminiſtration of public affairs, to be the firſt tax neceſſary to be laid, which, though it might produce no great effects in itſelf, might at leaſt make way for a ſecond, that ſhould be more ſenſibly felt; till, at length, theſe fatal ſpirits ſhould be raiſed to a price at which few would be able, and none willing, to purchaſe one pleaſure of *Drunkenneſs:* however it was conſidered, by the miniſterial opponents, to be a method of eſtabliſhing a *Drinking Fund*; by which vice was to be made legal, the fences of ſubordination thrown down; by which the order of ſociety, the decency of regular eſtabliſhments, were to be obliterated by univerſal licentiouſneſs, and loſt in the wild confuſions of debauchery; of debauchery encouraged by law, and promoted for the ſupport of meaſures expenſive, ridiculous, and unneceſſary. The former plumed themſelves in the aſſertion, that it was the opinion of *Dr. Davenant*, as a rational practice in the exerciſe of government, to tax ſuch commodities as were abuſed to the increaſe of vice, that vice may be diſcouraged by being made more expenſive, and therefore the community in time to be ſet free from it: but the latter inſiſted that this tax was of a different kind; that it was a tax laid upon vice indeed, but it was to

ariſe

ariſe from the licences granted to wickedneſs, and its conſequences muſt be the increaſe of debauchery, not the reſtraint; it was a tax which would be readily paid, becauſe it would be little felt; and becauſe it would be little felt, multitudes muſt ſubject themſelves to it; beſides they averred that there was a greater neceſſity of ſuppreſſing vice, than taxing it. The bill was ſo vigorouſly oppoſed, that no leſs than ten * ſpiritual, and fifteen * temporal lords, entered their proteſt againſt it; declaring, "they apprehended, that if an act "deſigned to remedy ſuch indiſputable miſchiefs "was not found adequate to its ſalutary intention, the wiſdom of the legiſlature ought to have "examined its imperfection and ſupplied its defect, and not have reſcinded it by a law, authorizing the manifold calamities it was intended to "prevent."

THIS law has eventually proved to be equally inefficacious with the preceding ones; *Drunkenneſs*, like another hydra, has ſhot forth her ſeven-fold head, ſpreading her baleful influence, over all the territories of *Britain*; there being annually twelve millions of gallons of theſe poiſonous liquors, ſwallowed by the inhabitants of this kingdom. No man can take a ſurvey of this opulent city, without meeting in his way, many melancholy inſtances reſulting from this conſumption of ſpirituous liquors: the idleneſs, the inſolence, the debauchery, of the common people, of both ſexes; with their natural and certain conſequences, poverty, diſeaſes, miſery, and wickedneſs, are the daily ob-

 ſervations

* Theſe were the Archbiſhop of Canterbury, the Biſhops of London, Exeter, Aſaph, Norwich, Glouceſter, Briſtol, Saliſbury, Oxford, and Chicheſter; the Dukes of Beaufort, and Bedford; the Earls of Cheſterfield, Halifax, Haverſham, Briſtol, Aileſbury, Sandwich, Oxford, Stanhope, Romney, and Aylesford; and the Lords Gower, Talbot, and Ward.

ſervations to be made in every part of this great metropolis: whoever paſſes along the ſtreets, may find numbers of abandoned wretches ſtretched upon the cold pavement, motionleſs and inſenſible, removed only by the charity of paſſengers from the danger of being cruſhed by carriages, trampled by horſes, or ſtrangled with filth in the common ſewers: others may be ſeen leſs helpleſs perhaps, but more dangerous, who have drank too much to fear puniſhment, though not enough to hinder them from provoking it; who think themſelves, in the elevation of *Drunkenneſs*, intitled to treat all thoſe with contempt, whom their dreſs diſtinguiſhes from theſe ſtupified wretches; and to reſent every injury which, in the heat of their imagination, they ſuppoſe themſelves to ſuffer, with the utmoſt rage of reſentment, violence of rudeneſs, and ſcurrility of language. The wickedneſs, and inſolence, of theſe people, are ſuch, that order is almoſt at an end; rank no longer confers reſpect, nor does dignity afford a ſecurity. The ſame confidence produces inſults and robberies, and the inſenſibility with which debauchery arms the mind equally againſt fear and pity, frequently aggravates the guilt of robbery with greater crimes; thoſe who are ſo unhappy to fall into the hands of thieves, heated by ſpirituous liquors into mad deſperadoes, ſeldom eſcaping without ſuffering greater cruelties than the loſs of money.

WHAT dreadful calamities ariſe from theſe deſtructive liquors? How has it corrupted the ſofter ſex, to diſclaim all the privileges of their nature, to ſully all the grace and ornaments for which they were intended to ſolace the misfortunes, and augment the felicity, of men? How many ſober, honeſt, induſtrious ſervants, have been inveigled, by the artifices of chairwomen, to ſip of this peſtilential bowl; which, like the circean draught, metamor-

tamorphoſes them to the grovelling nature of a ſwine; to a drunken ſtupidity, a ſhameful diſhoneſty, and a ſcandalous infamy; which never fails to involve them in all the misfortunes of common proſtitutes, generally brings them to the moſt ſhocking ſcenes of miſery, and frequently to the ignominy of a dying malefactor? How many induſtrious tradeſmen, and laborious mechanics, find all their frugality and gain, fruſtrated and expended, by a wife addicted to the uſe of theſe liquors? This pernicious practice is diſſeminated farther than could be reaſonably believed by thoſe whoſe intereſt has not incited, or curioſity induced them, to enquire into the practice of the different claſſes of men. It is well known that the farmers, have been hitherto diſtinguiſhed by the virtues of frugality, temperance, and induſtry; that they laboured hard, and ſpent little, and were, therefore, juſtly conſidered as an innocent and uſeful part of the community; whoſe employment and parſimony preſerved them, in a great meaſure, from the general infection of vice which ſpread its influence among the traders and men of eſtates: but even this abſtemious claſs of men, have, of late, relaxed their frugality, and ſuffered themſelves to be tempted by this infatuating liquor; nor is any thing now more common than to find it in thoſe houſes in which ale, a few years ago, was the higheſt pitch of luxury to which they aſpired, and to ſee thoſe hours waſted in intoxicating entertainments, which were formerly dedicated wholly to the care of their farms, and improvement of their fortunes.

From hence it appears, that the corruption is become univerſal; and how dreadful are its national conſequences? The general concatenation of ſociety ſhews, that all the advantages which high ſtations, or large poſſeſſions, can confer, are derived from the labours of the poor; that to the

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plow and the anvil, the loom and the quarry, pride is indebted for its magnificence, luxury for its dainties, and delicacy for its eaſe. The loweſt orders of mankind ſupply commerce with manufacturers, navigation with mariners, and war with ſoldiers; they conſtitute the potency and opulence of every nation; and, though they generally move by ſuperior direction, they are the immediate ſupport of the community: without their concurrence, policy would project in vain, wiſdom would end in idle ſpeculation. But the continuance of theſe liquors muſt deſtroy all theſe glorious advantages; for though the pleaſures of *drunkenneſs* are quickly at an end, its pains are of longer duration. Theſe liquors not only infatuate the mind, but poiſon the body; nor do they produce only momentary fury, but incurable debility, and lingering diſeaſes; they not only fill our ſtreets with madmen, and our priſons with criminals, but our hoſpitals with cripples. Nor does the uſe of ſpirits only impoveriſh the public by leſſening the number of uſeful and laborious hands, but by cutting off thoſe recruits by which its natural and inevitable loſſes are to be ſupplied: the uſe of diſtilled liquors impairs the fecundity of the human race, and prevents that increaſe which providence has ordained for the ſupport of the world: thoſe women who riot in this poiſonous debauchery are quickly diſabled from bearing children, by bringing on themſelves, in a ſhort time, all the infirmities of age; or, what is yet more deſtructive to general happineſs, produce children diſeaſed from their nativity by the vices of their parents; children whoſe blood is tainted with inveterate and accumulated maladies, for which no cure can be expected; who, therefore, are an additional burthen to the public, becauſe they muſt be ſupported, through a miſerable life, by that labour which they cannot

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ſhare; and muſt be protected by that community, of which they cannot contribute to the defence. Thus is the great ſource of power and wealth dried up, the numbers of the people every day diminiſhed; and, by conſequence, our armies muſt be debilitated, our trade abandoned, and our lands uncultivated: for it has been calculated, that a twentieth part of the labouring hands of this nation, are detained from their proper occupations by this kind of *drunkenneſs*; and, conſequently, that a twentieth part of the trade is every year loſt, or perhaps a twentieth part of our people annually hurried to the grave, or diſabled from contributing to the public emolument.

It is, therefore, of the utmoſt importance, that all practices ſhould be ſuppreſſed, by which the lower orders of the people are enfeebled and enervated; for if they ſhould be no longer able to bear fatigues or hardſhips, if an epidemical weakneſs of body ſhould be diffuſed among them, our power muſt be at an end, our mines would be an uſeleſs treaſure, they would no longer afford us either the weapons of war, or the ornaments of domeſtic elegance; we ſhould no longer give law to mankind by our naval power, nor ſend out armies to fight for the liberties of diſtant nations; we ſhould no longer ſupply the markets of the continent with our commodities, or ſhare in all the advantages which nature has beſtowed upon other climates; for all theſe are the effects of indigent induſtry, and mechanic labour. If the uſe of ſpirituous liquors is encouraged, the diligence of our countrymen, which can only be ſupported by health, will quickly languiſh; every day will diminiſh the numbers of the manufacturers, and, by conſequence, augment the labour of the poor: thoſe who continue to follow their employments will be partly enervated by corruption,

tion, and partly made wanton by the plenty which the advancement of their wages will afford them, and by the knowledge that no degree of negligence will deprive them of that imployment in which there will be none to succeed them: all our commodities, therefore, will be wrought with leſs care and at a higher price, which will make them rejected at foreign markets in favour of thoſe exhibited by other nations of more value, and yet at a lower rate.

POLICY is only the connection of prudence with goodneſs, directing what virtue each particular occurrence requires to be immediately practiſed. All nations of the world, in every age of which there remains any hiſtorical account, have agreed in the neceſſity of laying a reſtraint upon appetite, and ſetting bounds to the wantonneſs of luxury: every legiſlature has claimed, and practiſed, the right of withholding thoſe pleaſures which the people have appeared inclinable to uſe to exceſs; and preferring the ſafety of multitudes whom liberty would deſtroy, to the convenience of thoſe who would have enjoyed it within the limits of reaſon and virtue. The great legiſlator of the *Jews*, who delivered his laws by divine authority, prohibited the fleſh of ſwine, for no other cauſe, ſo far as human reaſon is able to diſcover, than that it corrupted the blood, producing loathſome diſeaſes and maladies, which deſcended to poſterity. The author of the *Mahommedan* religion, a religion founded indeed on ſuperſtition and credulity, but which prevails over the greateſt part of the *Aſiatic* world, over an extenſive tract of the *African* territories, and over no inconſiderable part of the *European* ſoil, has laid his followers under reſtraints of greater ſeverity; he has forbidden them to diſpel their cares, or exalt their pleaſures, with wine; has baniſhed, from the banquets of *Ottomans*, that

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useful opponent of troublesome reflection; and doomed all those who receive his law, not only to sobriety, but to abstinence. The welfare of the public has always been allowed the supreme law: but, in the abolition of spirituous liquors, the legislature must contend with the passions of all the common people; they would be endeavouring to reform a vice almost universal; a vice, which however destructive, is now no longer reproachful: the force of violent methods have been ineffectually tried; it has been found that the natural force of the people is sometimes superior to the law, and that their natural force will be exerted for the defence of their darling spirits: therefore, perhaps, it will be more commendable to treat the vulgar as children, with a kind of artful indulgence, and to take from them secretly, and gradually, what cannot be wholly denied them at once. It was formerly proposed to raise the duty of spirituous liquors to three shillings a gallon; which would make them as expensive as foreign spirits, and consequently transfer the whole trade into the hands of foreigners, which is now looked upon in a profitable light to the government, as it brings in a yearly revenue of 300,000*l.* however it is to be hoped that our legislators, as they are in no want of supplies in a time of peace, will consult only the national felicity: the reformation of so prevalent a vice must be slow and gradual; for it is not to be hoped that the whole bulk of the people will, at once, be divested of their habits; and, therefore, it may be rational to endeavour, not wholly to debar them from any thing, in which, however absurdly, they concentre their happiness, but to make the attainment of it more and more difficult, that they may insensibly remit their ardour, and cease from their pursuit. But we hope to hear none of those objections against the prohibition of spirituous liquors, as were

made during a late adminiſtration of more than twenty years, when it was reported, that the laws in being were inſufficient for preventing theſe enormities: it is to be wiſhed the preſent parliament will not adopt the meaſures of thoſe days, and that every vintner, inn-keeper, alehouſe-keeper, victualler, coffee-houſe, and brandy-ſhop in the kingdom, ſhall be no more brought under a moſt ſlaviſh dependence upon the juſtices of the peace, and commiſſioners of exciſe.

3d. *As to* GAMING *among the vulgar.* The encouragement of this vice muſt be acknowledged to be the greateſt ſeminary for highwaymen: the author of the *Enquiry* has ſufficiently ſhewn the ill conſequences to be expected from it; and has made it evident that every vigilant magiſtrate is inveſted with a proper authority to deter the vulgar from purſuing it. It was an obſervation made by Lord *Halifax*, "that when men of quality become ſcoundrels, it is no wonder at all if ſcoundrels ſhould be made men of quality:" which may not be improperly applied to the encouragement and civility ſhewn by the *Britiſh* quality to rooks and ſharpers, the moſt deſpicable, profligate ſett of men, who have no other ſanction for evading the puniſhment inflicted on a petty larcenar, than a ſuit of embroidery, an effrontery of impudence, and a purſe of guineas, either extorted from a diſſolute lady of pleaſure, or cozened out of the pockets of ſome egregious fool of fortune. No human contrivance can form a government, or ſyſtem of laws, ſo perfect as to ſtand in need of no addition, alteration, or amendment: future events make the imperfections appear; and, as they appear, care muſt be taken to remedy them by new regulations. The law has already extended an arm of ſeverity againſt exceſſive *gaming*; but

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the effects are ſcarcely perceptible: theſe penalties are inſufficient to convey a due admonition to the great, and a proper intimidation to others, who, like ſo many vultures, are inceſſantly preying upon the *Promethean* meal, ſo readily offered them by thoſe whoſe eſſential duty it is to diſcard them as ſo many noxious animals to ſociety, and drive them from their aſſemblies as the careful ſhepherd would defend his fleecy charge from the ravenous wolves: for what are we to expect, when even the day laid aſide by the creator for his own worſhip, is ſhamefully perverted to the pleaſures of *gaming*; when thoſe who ſhould be the protectors of ſociety, are ſapping the very root of morality? where affluent purſes are exhauſted, eſtates conſumed, and all the honours of a noble family blaſted in an unfortunate moment? where thouſands are chearfully paid when contracted *as a debt of honour*; while the neceſſitous tradeſman finds a ſtatute of bankruptcy awarded againſt him, at a time when his *honourable debtor* is detaining his right, or transferring it into the *Lethean* hand of a ſagacious gameſter? This ought to be conſidered in a public capacity, as a principal branch of national corruption: for if a ſeries of bad fortune drives the inferior gameſter to the road or the gallows; it alſo plunges the more eminent one in ſuch a neceſſitous condition, as to give him no other opportunity of retrieving his fortune, than by the proſtitution of his honour, ſacrificed to a miniſterial direction.

We read that, among the ancients, the temple of *honour* was erected cloſe to the temple of *virtue*; nor was there any way of entering the former, but by paſſing through the latter; and that ſaying, *virtue is the true nobility*, is as ancient as the inſtitution of nobility itſelf. To ſay the truth, the *French* have kept up a certain delicacy in this point;

for we ſcarce ever hear of a perſon exalted to that honour, amongſt them, who does not bring with him the fame of ſuch actions as caſt a luſtre upon his titles, and convey honour to the order. Father *Paul*, the *Venetian*, ſays, " you muſt ei-" ther keep your nobility free from taint, or have " no nobility at all." If the *French* nobility ſhould ſink ſo low, as to ſeek lucrative employments to increaſe their eſtates, or ſupport their vices; if they ſhould contend for military poſts in time of peace, and gain them by proſtituting their honour to a miniſter; from being mercenary and corrupt, they will ſoon grow puſillanimous; they will no more give modes and cuſtoms to the ſubjects of other *European* powers: whenever this happens, *France*, from being the terror, will ſoon become the ſcorn of *Europe*; their nobility will be equally baſe with the dirt in the ſtreets, fit for nothing but to be trod upon: the honour of *France*, which gives them courage in their battles, will be thought of no more; nor will the common people think a country worth defending, where ſuch rubbiſh are overwhelming them.

AMONG the inferior ſpecies of *gaming*, ſo predominant in this country, eſpecially in and about the neighbourhood of *London*, the moſt pernicious is the *gaming-table*; which, though ſtrongly interdicted, is ſtill ſupported in defiance of the law. What a ſingular groupe does one of theſe *gaming-tables* repreſent to an unconcerned ſpectator? What an extraordinary ſcene could the elegant pencil of a *WORLIDGE** deſcribe among ſuch a contraſted heap, where the heterogeneous paſſions of hope and fear, joy and rage, envy and deſperation, are exhibited in their meridional power! Here, under the penumbra of a thick-flowing

* A celebrated painter over the *Little Piazza, Covent Garden.*

flowing peruke, fits an inquisitive *sage* of forty years experience in the vicissitudes of *gaming*: all his soul seems collected in his eye, all his features are correspondent to his heart: he looks with the sagacity of a *Zeno*, a *Plato*, or an *Antisthenes*: but every idea of his mind comes crouding with a train of anxiety, for the fortunate termination of his stake, dependant on the uncertain evolution of the surrounded machinery. The next person is, perhaps, the *lack-bearded clerk of an attorney*; staking the residue of an impoverished purse, confided to his trust by a deluded master: see how he trembles, like an agonizing atheist when the first conviction of a deity strikes him to the soul; the bett is determined, he has lost: What shall he do? a lucky thought! his watch and linnen are still left; he flies to the pawn-broker, repleniſhes his pockets, and returns to the table, with the syren-lulling hope of retrieving all his loss, supporting his credit with his master, and forming the resolution ever afterwards to abandon *gaming*: but all his flattering hopes are soon discarded; ill-fortune attends him; his last stake is fled; he curses, whines, stamps, raves, implores, and quarrels, till he is kicked out of the *honourable company*: now where shall he go, pennyless as he is? he has already tired his friends with perpetual borrowing, and reiterated promises of forsaking the *table*: he expects speedily to have the money demanded by his master; and he has only one great, one hazardous attempt to make, for the reinstation of his character: this is *the road*, on which he desperately ventures; he commits a few robberies; is taken, imprisoned, convicted, and deprived of that life which might have been a credit to his afflicted family, and of service to society: alas! all his hopeful prime is withered by the contagious breath of invidious gamesters;

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he has unfortunately ruſhed with the tide, and his little bark is fatally wrecked by driving down the gulph between *Scylla* and *Charybdis*. At another part of the table ſits *a journeyman taylor*, riſking the ſmall profits of his weekly labour, for the ſupport of that ſcene of idleneſs which he has formed to himſelf; though he has an induſtrious wife, and two or three helpleſs children, ſtruggling with penury, at home: he is elated with the product of a ſucceſsful hour; when he ſurveys his new-accumulated guineas, he is elevated above the condition of a mechanic; in this rhapſody of gentility he reſorts the taverns, fooliſhly throws himſelf in the lap of ſome treacherous harlot, where he profuſely ſquanders away his money, contracts the venereal diſorder, and ſpreads the infection to an innocent wife: his diſtemper is virulent, he is incapable of working; they are both admitted to the hoſpital, and their poor children to the pariſh. Oppoſite to the taylor behold an *unwary ſeaman*, intoxicated with liquor: the continual flow of circulating gold raiſes in him the hope of poſſeſſion; and he is inſtigated to bett: he is ſucceſsful for a while; his avarice is enlarged; he is encompaſſed by *the ſharks of the table*; he adventures an extravagant ſtake; his luck is inverted, the pyramid is turned; all his gain is retired, and his own property exhauſted! thus the laborious mariner, who has combated the rude winds and tempeſtuous ſeas for the acquiſition of a little treaſure, finds himſelf unfortunately deprived of it again: he is rendered unable of paying an intended viſit to his diſtant friends; he again truſts himſelf to the mercy of the waves, and goes ſweltering through all the violent intemperature of the torrid, or freezing beneath the inclemency of the frigid zones, for the repoſſeſſion of that wealth by his toil, which he had loſt by his folly.

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THE *Gaming Tables* in *the Strand*, *Covent Garden*, and *Southwark*, are such nurseries of vice, such temples of infamy, that they loudly call out for the immediate eye of the legislature, and all the vigilance of a prudent magistrate for the suppression of such public nusances to society. Of what use are the constabulary offices about this extensive metropolis, if the officers are remiss in the execution of their duty? and that they have been so, is evidently apparent since the 10th of May 1744, when the worthy *Sir Roger Newdigate*, and the rest of the gentlemen impannelled on the grand jury for the county of *Middlesex*, exhibited a presentment to the court of king's bench, whereby they declared, " that they had observed, from most of the pre- " sentments of returns, delivered to them by the " constables of the county, that they had been, " as the grand jury apprehended and feared, very " remiss in their duty, by returning their several " districts and divisions to be quiet and in good " order: whereas the contrary did most manifest- " ly appear in many instances, as well from the " accounts or advertisements they read in the " daily papers (inviting and seducing not only the " inhabitants, but all other persons, to several " places kept apart for the encouragement of " luxury, extravagance and idleness, and they " feared other wicked illegal purposes, which, by " such means, went on, with impunity, to the " destruction of many families) as otherwise to the " great dishonour of the kingdom in general, and " the county of *Middlesex* in particular, especial- " ly at a time when they were so much over-bur- " thened with taxes of all sorts, both parliamen- " tary and parochial, that it was as much as a " prudent man could do, without a taste to idle " and extravagant pleasures, to support himself " and family according to his degree and station

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" in life, under the moſt regular oeconomy: and " unleſs ſome ſtop was, by authority much ſupe- " rior to theirs, ſoon put to extravagant luxury; " they feared the progreſs thereof, in the coun- " ty of *Middleſex*, would ſoon prove of ſuch an " evil tendency, as, by its example, might in " time lead to the ruin and deſtruction not only " of that county in particular, but of this once " happy and flouriſhing nation in general:" they, therefore, preſented as places riotous, of great extravagance, luxury, idleneſs, and ill-fame, the *two Gaming-houſes* of *Lady Mordington* and *Lady Caſtle in Covent Garden*; the proprietors of the avenues to the *two Play-houſes*; *Sadler's Wells*; *the New Wells in Goodman's Fields*; *the New Wells near London Spaw, Clerkenwell*; *and Hallam's new theatre at May-fair*; deſiring that the court would give directions that theſe, and all ſuch diſorderly places within the county, might be proſecuted and ſuppreſſed. How this ſtrong remonſtrance has been ſince regarded is too viſibly perceived: the *Wells* are ſtill exiſting; *the Gaming-houſes in Covent Garden* are not ſuppreſſed, they are only removed to other places; and of what conſequence is it to deſtroy the *tables* once a month, and to take a few of the poorer ſort of gameſters into cuſtody, while the wealthier ſett are permitted to make their eſcape, and conſtantly evade the puniſhment of the law? And as to the new theatres at *May-fair* and the *Hay-market*, though there are no ſett of players belonging to them, yet they too frequently afford a temptation to idleneſs and vanity among the refined claſs of mechanical gentlemen; whoſe theatrical diſpoſitions are ſufficient inducements for them to impoſe upon the indulgence of a tired audience, and expoſe their own dramatic delicacy, when their ſniveling boy of a *Kapelion* tortures the ſtage as much as he does the preſs, and with his ſkeleton carcaſe,

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like the frog in the fable, attempts to bloat himself up to the enormous size of a *Quin* in the character of *Falstaff*.

The *Gaming-table*, though the greatest, is not the only incentive to idleness; nor the sole encourager to those scenes of iniquity which are so frequently perpetrated. The governing appetites of the brute creation are *lust* and *hunger*, here they rest; and, having satisfied their great calls of nature, go regularly on in pursuit of the ends of their being. The ruling appetites of the human species are *power* and *money*; passions violent, restless, in eternal motion, and never to be satisfied: accordingly *ambition* and *avarice* are the radical causes from whence all the misfortunes and miseries of mankind have sprung. The effects of the voluptuous passion for money are contrarient and unaccountable, as it at once drives the unhappy patients on to every iniquity, to satisfy, what is insatiable, their hydropical thirst for gain: reason and religion try their feeble force in vain; the human soul, fully possessed with the *Auri sacrâ Fames*, excludes every other consideration, and pants after *gold* alone. All diversions, all exercises, have certain bounds as to expence, which if exceeded, is an evil in itself, and justly liable to censure. What then shall we say concerning the public *Cricket Matches?* these, one would imagine, from the advertisements, to be one of the most serious occurrences of life: notwithstanding the exercise is innocent, the manner in which it is done in the *Artillery Ground*, is highly detrimental to the common people, by inticing them to spend a whole afternoon in idleness, while they might have been beneficial to themselves and the community by their labour. What can we say in vindication of *Billiards, and Tennis?* surely nothing: are they not both the principal seducers of attorneys clerks,

and young apprentices, to idleneſs, and extravagance? they are: many unthinking youths have defrauded their maſters to defray their expences at the Fan, or the Racket: many have been obliged to abandon their vocations, and aſſociate themſelves in every ſcene of profligacy, to avoid the cenſures of an injured maſter: then ought there not to be ſome regulation in theſe diverſions? In this, let *Dublin*, the metropolis of a ſiſter-kingdom, be an example; where the grand jury have preſented all the keepers of *Billiard Tables*; and where the citizens have determined to proſecute all ſuch who keep their *tables* open after nine o'clock at night, or knowingly ſuffer merchant apprentices, or clerks belonging to any buſineſs, to play in their houſes. *Skittles*, though innocent of itſelf, is another root of idleneſs, and principally among the inferior claſs of people; who, inſtead of moderately recreating themſelves at this exerciſe for the promotion of health, are ſhamefully ſquandering away their time at it for whole days together; and, inſtead of ſtrengthening their bodies and amuſing their minds, by their darling diverſion, are debilitating the one, and corrupting the other, by drunkenneſs, and every reprobate ſcene of prophanity.

Besides, theſe lower ſort of diverſions are highly productive of immorality, by tolerating the ſcandalous practice of *curſing and ſwearing*. This cuſtom, which has been long prevalent among almoſt all ſorts of people in *England*, is not only indecent and unpolite, but wicked; as it takes away the reverence and awe which are due to a legal oath; and probably many perſons, in a length of years, have been guilty of perjury through the little value they have placed on an oath: for when men are countenanced by each other, in uſing the moſt ſhocking execrations on the

the ſlighteſt occaſions, and in ſwearing by the deity without any occaſion at all, the ſolemnity and religious ſenſe which ought to attend the act of legal ſwearing vaniſhes; and ſuch perſons as are not habituated to religious or philoſophical ſpeculations, treat the form of adminiſtring an oath with as much indifference, as they would any common and familiar act: this endangers the life and property of every man; for when the bond of conſcience is once broke, how greatly is the ſecurity of ſociety impaired? But to ſee this ſcandalous habit, ſo derogatory to common ſenſe and humanity, carried to its moſt extenſive pitch, it is only frequenting the *Broughtonian amphitheatre*, where the *Britiſh* gentlemen, numerous as the *Athenian* youths in the groves of *Academus*, throng round the champions: peers, poets, painters, players, and pick-pockets, have joined in the loud applauſe, and confirmed their approbation by a volley of oaths. Had *Milton* lived to our times he might have been ſaid to have taken his deſcription of the realms of *Chaos*, and *old night*, from theſe places: where *loud uproar*, *hubbubs wild*, *and ten-fold confuſion*, ſurround the throne of *anarchy*. However the legiſlature has amply provided againſt this ſcandalous habit of prophaneſs, by an act, paſſed in the year 1746, "for more effectually "preventing prophane curſing and ſwearing;" whereby the acts of 21ſt of *James* I. and 6th and 7th of *William* III. were repealed, and "it was enacted, "that any perſon convicted, after the 4th of June "1746, of curſing or ſwearing, if a day-labourer, "common ſailor, ſoldier or ſeaman, is to pay one "ſhilling; every perſon, under the degree of a "gentleman, two ſhillings; and every other per-"ſon, of or above the degree of a gentleman, "five ſhillings: for the ſecond offence to pay dou-"ble, and for every ſubſequent offence treble,

" the ſum firſt inflicted. Offenders not paying " the penalty, to be committed to the houſe of " correction, and kept to hard labour for ten " days. Any common ſoldier, ſailor, or ſea- " man, on conviction, to pay the penalty and " coſt, or, in default thereof, inſtead of being " committed to the houſe of correction, to be ſet " in the ſtocks for one hour, and for any number " of offences two hours."

SEC.

SECTION II.

Of the laws that relate to the provision *for the* poor; *of the punishment of* receivers *of* ſtolen goods; *of the laws relating to* vagabonds; *of the* apprehending *the perſons of* felons; *of the* difficulties *which attend* proſecutions; *of the* trial and conviction *of* felons; *of the* encouragement *given to* robbers *by* frequent pardons; *and of the* manner of execution.

I. AS *to the laws that relate to the proviſion for the poor*, the author of the *Enquiry* has taken a great deal of pains in tracing them down from the reign of Queen *Elizabeth*, and in repreſenting their uſe and defects. He conſiders this claſs of the people under theſe three diviſions:

FIRST, Such poor as are unable to work.

SECONDLY, Such as are able and willing to work.

THIRDLY, Such as are able to work, but not willing.

HE ſeems to be firmly perſuaded that a maintenance for the *impotent poor*, might be ſecurely truſted

truſted to a voluntary charity, unenforced by any compulſive law: I cannot help diſſenting from this opinion: for though it muſt be acknowledged "that every beggar, who can but moderately "well perſonate miſery, is ſure to find relief and "encouragement:" yet this charity can ſeldom extend any farther than to immediate objects, and theſe are too frequently nothing but impoſitions on the generous and charitable part of mankind. What then muſt become of the real objects of miſery? on ſuch who have formerly been acquainted with plenty, and who are prevented, by that baſhful modeſty inherent to honeſty, from expoſing their calamitous circumſtances publicly to the world? on ſuch who are even ſhocked at the preſence of a kind benefactor, contributing to their relief, and ſhun the benevolent face of goodneſs, like a timorous wounded patient, who trembles at the approach of that ſkilful hand which miniſters his eaſe? on ſuch who prefer all the pungent pangs of concealed neceſſity, rather than appear as ſupplicants before the threſhold of muſhroom inſolence, or invidious pride, whoſe liberality flows more from vanity than charity, and wounds while it cures? If there is no tax for ſupporting the *impotent poor*, what numbers muſt ſilently languiſh out their wretched minutes on the bed of affliction, enfeebled with infirmities, ſhivering with cold, and periſhing with hunger? The places of public munificence in and about this city, for the relief of the *impotent poor*, are, indeed, noble endowments; but they are incapable of ſupplying half the caſualties that happen. What then muſt become of a wounded artizan, an infirm mechanic, or any indigent man, deprived, by any accident, of procuring the ſuſtenance of nature by the exerciſe of his buſineſs? Great as the parochial taxes are, how indifferently are

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the *poor* provided for about this metropolis? Numbers are famiſhing in our ſtreets, and not a few periſhing at our doors; even the pregnancy of the womb is diſregarded, and ſome poor abandoned woman, together with the little infant ſtruggling for its birth, ſuffered to die miſerably in the ſtreets, nay even in the very ſight of the beadles; and if any humane perſon ſhould conduct the miſerable creature to the parochial officers, inſtead of gratitude, they only incur diſpleaſure; for ſuch was recently the caſe, while the pariſh officers were perhaps rioting in their nocturnal intemperance, with the money granted for the relief of *occaſional poor*.

The author of the *Enquiry* then proceeds "to "give a general idea of the laws which relate "to employing the poor; and of their defects, "and the reaſon of thoſe defects: he has likewiſe given ſome hints for the cure, and has "preſumed to offer a plan, which, in his humble opinion, would effectually anſwer every "purpoſe deſired." From whence he infers, "that no blame lies at the door of the legiſlature, which hath not only given the magiſtrate, "but even private perſons, with his aſſiſtance, a "power of compelling the poor to work; and "hath alloted the fulleſt powers, and preſcribed "the moſt effectual means, for aſcertaining and limitting the price of their labour." He ſeems particularly deſirous of reviving that law which relates to the rating the wages of labourers; "a "law which at firſt, it ſeems, was too careleſsly "executed, and which hath ſince grown into utter neglect and diſuſe." But would not the revival of ſuch a law damp the ſpirit of induſtry, particularly amongſt the woollen manufacturers in the weſtern part of the kingdom, which derives its ſtaple commodity from their labour? Is it not

ſurprizing

ſurprizing that the price of wages, amongſt this uſeful part of the community, is ſo inconſiderable as to exclude them from the common benefits of life? For how can a poor manufacturer maintain a wife and numerous family, with only four ſhillings a week, the very utmoſt reward of his induſtry? how ſhamefully is the diligence and ingenuity of this valuable artizan compenſated, in thoſe central places of their buſineſs, where it muſt be a mortification for them to ſee even a journeyman taylor paid more than double the wages of the loom? beſides, the woollen manufacturer is often prevented from receiving the one moiety of his labour in ſpecie; for though there is a legiſlative reſtriction, by which the clothier forfeits 100 *l.* on conviction of his making any deduction from the wages of the manufacturers, on account of any goods ſold or delivered to them; yet it is evident enough that the clothiers ſtill continue their oppreſſions to the labourers, by often obliging them to take a moiety of their wages, by way of truck, for ſuch goods as are unſaleable by the clothier, and of no ſervice to the labourer. Therefore, would not the revival of ſuch a law prove extremely detrimental to the national intereſt, by giving the opulent clothiers an opportunity of further retrenching the price of the woollen manufactory wages? would not an addition to the poverty of the manufacturers make them relinquiſh their occupations, and betake themſelves to other employments, or endeavour to ſeek for that encouragement in foreign countries, which is denied to their induſtry at home? To theſe oppreſſions may be attributed ſeveral commotions amongſt the woollen manufacturers, particularly one in March 1747, when two journeymen wool-combers were committed to *Norwich* goal, for joining, with many others, in combination to regulate the trade of a wool-

comber;

comber; and, in particular, agreeing that no journeyman wool-comber ſhould take an apprentice except his eldeſt ſon: which was directly contrary to the ſtatute of 12 *George* I. againſt unlawful combinations of weavers and combers, and muſt be greatly detrimental to trade, by leſſening the number of hands, advancing wages, and conſequently the price of goods. However, there ought to be proper reſtrictions againſt any tumultuous aſſemblies of labourers, for advancing their wages; the dangerous conſequences of which were viſible, in February 1744, at *Walſal* in *Staffordſhire*, when a mob of nailors, conſiſting of ſeveral thouſands, aſſembled there on that account, and committed many outrages before the magiſtracy was able to ſuppreſs their riotous proceedings.

II. The author of the *Enquiry* then proceeds to conſider of ſome methods to obviate the *frequency of robberies*; and, firſt,

"As *to the puniſhment of receivers of ſtolen* "*goods.*"

SHOP-LIFTING, burglary, ſtreet robberies, and robberies on the highway, are generally committed by impoveriſhed gameſters, drunkards, or indolent people, whoſe greateſt encouragement is the little obſtruction they find in the diſpoſition of their plunder, though the law declares, "that "the receivers of ſtolen goods, knowing them to "be ſtolen, ſhall be deemed acceſſaries after the "fact," which is tranſportation for fourteen years. The author of the *Enquiry* has dropt ſome ſuggeſtions for remedying this evil, which has been hitherto ineffectually attempted; but with regard to the *pawn-brokers*, perhaps, it may not be impertinent to add the following obſervations.

THE notoriety of the ill conſequences reſulting from a private communication between the *perpe-*

trators of felony and *pawn-brokers*, ſo ſtrongly attracted the legiſlative attention, that, in the year 1745, a bill was brought into the houſe of commons, " for more effectually preventing the re-" ceiving of ſtolen goods by the regulating of " *pawn-brokers*." Theſe people were then conſidered, by ſome, as the chief agents of corruption; as thoſe by whom all wickedneſs was encouraged, and by whom the people were at the ſame time debauched and oppreſſed: their habitations were looked upon as places in which thieves could with ſecurity diſpoſe of their booty; ſervants raiſe money upon any thing, of which they had defrauded their maſters; and where handicraftſmen, who, from the nature of their reſpective trades, muſt be intruſted with the property of other perſons, had a ready opportunity to diſpoſe of thoſe goods, and violate the truſts ſo neceſſarily repoſed in them. Experience ſufficiently confirms this obſervation, that if the inferior claſs of people can, by any means, procure a preſent ſubſiſtence, their care ſeldom extends farther than their immediate neceſſity: the nearer approaches they make to want, the farther they are removed from ſhame: thus, having pledged every moveable they can ſpare, neceſſity prompts them to make free uſe of the property of their neighbours; to which their intimacy with the *pawn-broker* does not a little contribute, who, they are well aſſured, will not aſk any queſtions but what they can readily anſwer: and thus the ſcene, which was begun only with want and folly, terminates in complete ruin and conſummate villainy.

As it is an allowed maxim, " that no man grows " completely wicked at once;" the greateſt caution ought to be uſed to deter mankind from the firſt approaches to vice, and to lay all poſſible difficulties in the way to the enjoyment of their deſ-

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tructive views. Nothing is more apparent than that the guilt of receiving ſtolen goods, knowing them to be ſuch, is at leaſt equal with the felony; and conſequently the diſcovery, conviction, and puniſhment, of thoſe who commit it, would be of the higheſt advantage to the happineſs and ſecurity of ſociety: but the author of the *Enquiry* has ſhewn the difficulty of making ſuch a diſcovery. From the beſt calculations, it appears that a *pawn-broker* cannot carry on his buſineſs, in a degree ſufficient to ſupport the common expences of life with a capital leſs than 2,000*l.* from whence a ſuppoſition may be made, that no *pawn-broker*, of common honeſty or prudence, would hazard the forfeiture of ſuch a fortune, and his liberty for fourteen years, for ſo ſmall a profit as he could be ſuppoſed to gain by violating the laws in ſuch caſes: therefore, from the conſideration of theſe circumſtances, this affair appears to deſerve the ſerious attention of the public, and that it is highly neceſſary to put an immediate reſtraint at leaſt, if not a total ſtop, to practices of ſo pernicious and univerſal a nature: perhaps the ſuggeſtions made by the author of the *Enquiry* might be conducive to ſo ſalutary a purpoſe; however it may not be improper to conſider the following query and obſervations. "Whether it might not be neceſſary to "add to the regulations, relative to *pawn-brokers*, "a reſtriction, by which every perſon, whoſe "fortune is leſs than 2,000*l.* ſhould be prohibited "from taking pledges for money, or to be bound "apprentices to *pawn-brokers*? This limitation "cannot be thought an hardſhip, becauſe, by the "confeſſion of the *pawn-brokers* themſelves, no "man can honeſtly carry on their buſineſs with a "leſs ſtock; and, ſurely, that law cannot be ac-"counted cruel or unjuſt, which only excludes "a man from an employment, which he cannot

" exercise without dishonesty and oppression: it " is a law merely preventive, of which the con- " sequence cannot be other than beneficial; for, " the *pawn-brokers* will carry on their business " without that reproach which the practices of " necessitous beginners are said to bring upon " them; and the public will either see the pro- " fession of *pawn-broking* extinguished, or confined " to such as may be enabled to trade upon equita- " ble terms."

III. " *As to the law relating to vagabonds*," the author of the *Enquiry* has fully shewn in what light *vagrants* have been perpetually considered, and what laws are still subsisting for the prevention of such a public nuisance so detrimental to society; because he looks upon the wandering of *the poor* to be one principal cause of the increase of robbers, as it is the chief means of preserving them from the pursuit of justice: however, he shews that the *vagabonds*, about this extensive and intricate metropolis, can readily evade the vigilance of the law; and he is of opinion, that the only redress is, " *to hinder the poor from wandering*" by the diligence of the parochial officers and magistrates, in apprehending and punishing such as appear to be *wanderers* or *vagabonds*.

The removal of this evil has been long attempted; for the *grand jury of Middlesex*, so long ago as the year 1728, delivered a very strong presentment to the court, declaring, " that they " had, with concern, observed of late, unusual " swarms of sturdy and clamorous beggars, as " well as many frightful objects, exposed in the " streets, which was an evil in itself very griev- " ous, and productive of many others." But the nuisance still continued till *June* 1741, when the *grand jury* renewed this complaint, declaring

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" that they found the evil rather increasing than " in the least remedied; and as they had effec- " tual laws in being, to prevent begging in the " streets, they could not but apprehend that this " nusance, at once so burdensome and disgrace- " ful, must be entirely owing to a neglect of the " proper officers, in not putting those laws into " execution: therefore, they hoped the court " would take so manifest and great a grievance " into their serious consideration, and would ap- " ply, without delay, the proper remedies, that " they might not be thus troubled with the poor, " at the same time that they were every day " more and more loaded with taxes to provide " for them; that his majesty's subjects might " have the passage of the streets, as in former " happy times, free and undisturbed; and be " able to transact that little business, which the " decay of trade had reduced them to, without " molestation." However there has been no effectual method hitherto attempted, and the method pointed out by the author of the *Enquiry* seems very well calculated for accomplishing so material a work: only I beg leave to add, that a negligence in the parochial education of poor children, is frequently attended with dangerous consequences, because it keeps them in a state of illiteracy, and ignorance of the laws.

IV. " *As to the apprehending the persons of felons*," the author of the *Enquiry* has very judiciously explained the nature of the law in this respect; by which he makes it apparent that the powers thereby granted are enforced with penalties; so that not only every officer of justice, but every private person, is obliged to arrest a known felon, and may be punished for the omission. He seems particularly strenuous in the vindication of *thief-catchers*,

ers, whoſe office he inſiſts is honourable: but with what a ludicrous turn of the loweſt wit, has he introduced the illuſtrious names of *Pompey*, *Hercules*, *Theſeus*, and others admitted into the temple of the gods, in a vile compariſon with the modern *thief-catchers*, who are very juſtly ſuſpected to be more deſerving of puniſhment than the very *felon* they are encouraged to apprehend?

THE multitude of robberies committed, about this city, unqueſtionably requires the moſt efficacious methods for bringing the perpetrators of them to juſtice, and exterminating ſo dangerous a peſt to ſociety: this incited the legiſlature to paſs ſuch indempnifying laws for the diſcovery of felons, ſmugglers, falſe-coiners, highwaymen, ſhop-lifters, or horſe-ſtealers; as alſo to offer ſuch conſiderable pecuniary rewards for apprehending highwaymen and ſtreet-robbers; and this was the more requiſite, becauſe criminal matters are generally concerted with all imaginary privacy, and executed with the utmoſt ſecrecy. It is neceſſary for the public ſafety, that criminals ſhould be diſcovered and puniſhed; and, therefore, in ſuch caſes, it is expedient to procure evidence by pardon, or reward, and ſometimes both: the former practice is ſo ancient in this country, that, in ſeveral caſes, it is eſtabliſhed by common law, as in the caſe of *Approvers*, which is now laid aſide, not becauſe it was unjuſt, but becauſe the method of giving a pardon by proclamation, or advertiſement in the gazette, is more convenient, more effectual, and leſs dangerous. In other countries the practice may be leſs frequent than in this, becauſe their judges are more arbitrary, and, upon the leaſt ſuſpicion, they make uſe of torture; which is repugnant to the nature of our excellent conſtitution: but in this country, where our judges

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are confined to the very letter of the law, and where torture is never permitted, it would often be impoſſible to diſcover the criminal, or prove the crime, without promiſing a pardon to any accomplice who ſhould diſcover the reſt, and become evidence againſt them; nor is the practice ſo dangerous here, as in other countries, becauſe of our method of trying all crimes by juries, and in a public manner.

Thus it is apparent, that, in this country, the practice of promiſing a pardon to an accomplice, upon his convicting the reſt, is not only juſt, but neceſſary; though there is one inconvenience attending it, as it gives the more artful and experienced villain an opportunity of inveigling young ones to a ſcene of plunder, and then, by convicting the more innocent, not only to eſcape himſelf with impunity, but even with a conſiderable perquiſite. What then ſhall we ſay of thoſe encouragements given to *Informers* and villains of the deepeſt dye, indiſcriminately to ſwear away the life of an innocent, as well as a guilty perſon, for the procuration of ſo conſiderable a reward? I cannot help conſidering this in a light diametrically oppoſite to the author of the *Enquiry:* becauſe, by the laws of all ſocieties, the innocent ought to be guarded as much as poſſible from the danger of a falſe accuſation, or being unjuſtly condemned; and I have always thought the method of promiſing a reward, to thoſe who ſhall give information againſt a criminal, to be, in ſome meaſure, inconſiſtent with juſtice, and the ſafety of innocence. It is one of the golden tenets *of Chriſtianity*, "to let an hundred cri-"minals eſcape, rather than that one innocent "man ſhould ſuffer:" and, therefore, I think, we ſhould be extreamly cautious of bringing this method too much into practice; a method by

which

which many innocent perſons have been already brought into imminent danger; ſome have actually ſuffered; and the longer, and oftener, it is practiſed, it will become more dangerous to the innocent, while the greateſt villains are the very *thief-catchers* themſelves; of which there was a very ſingular inſtance in *Rhodes* the conſtable, who, ſome years ago, ſwore a robbery againſt two attorneys clerks, for which they were both convicted; the one was executed, and the other tranſported: ſome time after, *Rhodes* himſelf was convicted of a burglary; and when he was at the place of execution, there are now creditable evidences enough of his dying declaration, "that "the two attorneys clerks were entirely innocent "of the fact which he had laid to their charge, "and that he had endeavoured to take their lives "away only for the ſake of the reward." Now how dangerous is it to give ſuch encouraging motives to ſuch villainous perſons? for there is the ſtrongeſt preſumption that theſe unhappy men were not the only innocent perſons that fell a ſacrifice to the avarice and villainy of *Rhodes*; becauſe I have heard that this notorious rogue, at the time of his conviction, had ſeveral hundred pounds due to him from the government, for the apprehending of robbers, and had the ignorance to make the propoſal of relinquiſhing his claim, on the condition of procuring his pardon: but Sir *Robert Walpole*, who was ſenſible of his villainy, ſent him word "he muſt give an acquittance to "the government at *Tyburn*." This is not the only inſtance of ſuch fatal accidents to the innocent: for, about twelve years ago, two poor *Iriſhmen*, on their journey from *Cheſter* to *Shrewſbury*, were taken up on a hue and cry for burglary, which was poſitively ſworn againſt them, by a countrywoman, for the ſake of the forty pound reward;

reward; on whose evidence the two prisoners were convicted and executed; though, about two years afterwards, another person, who was executed at *Stafford*, for a robbery on the highway, confessed, a few moments before his death, "that he was "the man who committed that burglary, for "which the two innocent *Irishmen* were executed "at *Salop*."

THIS encouragement for the destruction of innocence, is more frequently, and more generally, practised in this country, than in any other; and it is a practice which most foreigners seem to be astonished at: they wonder how any man can be safe, when rogues have such encouragement to conspire and cook up an information against the innocent. This is a practice, the first introduction of which, into this kingdom, is but fifty-nine years ago; though in civil affairs it has been expressly condemned, since that time, particularly by the Lord Chancellor *Macclesfield*, who then presided in one of our chief courts of equity: for in a cause, depending in the court of chancery, one of the parties concerned published an advertisement in the news papers, offering a reward to any person that would come in and give evidence to a particular fact then in question before that court. Complaint being made of this to the lord chancellor, he declared it to be a sort of subornation of perjury, and that it was of a worse and more dangerous nature than that of offering a reward to a particular person; because the former was an offer made to all the rogues in the kingdom; whereas the latter might be made to an honest man, and if made to a rogue, it was but to one: for which reason, his lordship declared that "publishing an advertisement, with the "promise of a reward, in order to procure evi-"dence, was an insufferable practice, and a re-

" proach to the juſtice of the nation ;" there-fore he committed the perſon, who had done ſo, to his majeſty's priſon of the *fleet*, which was the greateſt puniſhment he could inflict.

I KNOW it will be ſaid, that I am arguing againſt what is now become a common practice, and a practice authorized by ſeveral ſtatutes and royal proclamations ; but the great caution that has been made uſe of in this reſpect, is a proof, that the practice has never been thought altogether juſt : though it muſt be granted, that when crimes of an enormous nature are ſo frequently committed ; when it is certain they have been committed, but uncertain by whom, the public ſafety may warrant our endeavouring to diſcover the criminals, by methods which are not altogether conſonant to the ſtrict rules of juſtice. Caſes of property, between man and man, are inſignificant, in compariſon to thoſe relative to liberty, pains, and penalties, honour, and life : in theſe, an injury to the meaneſt *Briton*, is an injury to the whole nation ; for iniquities in law become precedents ; and what we are ſpectators of to-day, we may ſuffer in perſon to-morrow : therefore, what ſenſible man does not tremble to reflect, that the life of the inferior part of his ſpecies is at the mercy of any ruffian, who may be prompted to ſwear it away ? Nay I have had a recent information of one *thief-catcher* apprehending his own aſſociate, in ſuch offices, for a robbery, either for the gratification of revenge, or the avaricious hope of the reward ; though the juſtice, very probably, imagined the priſoner would be of utility, and therefore readily diſcharged him. And as to the law for reſtraining the number of ſix horſes to the greateſt carriages ; though the author of the *Enquiry* aſſerts " *that this law is broken every day, and* " *generally with impunity* ;" yet he cannot but be

ſenſible,

ſenſible, that there are perſons who have no other employment than purſuing the advantages which may accrue by the forfeitures enacted by this law; particularly one who was formerly a ſheriffs officer, but, for want of bail, and any other reſpectable occupation, is now to the laborious farmer what the executioner is to the malefactor.

V. "As *to the difficulties which attend proſecu-* "*tions*," the author of the *Enquiry* has very diſtinctly enumerated them, the principal of which he proves to ariſe from the *tender-hearted*, or the *neceſſitous*, proſecutor: he gives a remarkable hint for the removal of the latter, and ſhews the indiſcretion of the former; which I ſhall endeavour to enforce, by obſerving, that where men have to do with a fair and generous enemy, moderation is a virtue; but here their lenity is ſure to be returned with treachery to themſelves, and a repetition of villainy on others: for though a forgiveneſs of injuries, and a merciful diſpoſition towards thoſe which have injured us, are infallible marks, if not of a noble and generous, of a benevolent and gracious mind, and is our indiſpenſable duty, as reaſonable creatures, but more ſo as members of chriſtianity; yet as the ſeveral duties of mankind ſtand in a regular ſubordination, as our duty to our creator, to mankind, to our country, to our family friends and neighbours, and to ourſelves: theſe diſtinctions ought, therefore, to be carefully conſidered, and their ſeveral ſubordinations religiouſly obſerved: otherwiſe by doing, what *we think*, our duty in an inferior degree, we may commit a breach of our duty in the next ſuperior degree, which will neceſſarily be a breach of our duty in every degree of ſuperiority: for this is a moſt certain rule in religion, virtue, and morality; and it is to be wiſhed the luxurious, as well as

the avaricious, would give a greater attention to it than they seem to do: therefore, the neglecting our duty to the law in the prosecution of a criminal offender against that law, is not only an injury to our country, but to every individual, and consequently to ourselves.

VI. " As *to the trial and conviction of felons*," the author of the *Enquiry* has sufficiently pointed out the inconveniences attending them; by which a known villain has an opportunity of evading the punishment he deserves; and was his scheme for preventing it put into execution, if it could not be productive of any material service, it is indubitably evident that it could be no ways detrimental, unless to such infamous offenders who are incapable of bringing any creditable persons in vindication of their flagitious characters.

VII. " As *to the encouragement given to robbers by frequent pardons*," the author of the *Enquiry* has the opinion of *Machiavel*, " that examples of " justice are more merciful than the unbounded " exercise of pity;" and he shews the ill consequences resulting from an ill-grounded clemency: from whence he infers that every criminal should fall a victim to the severity of justice; to which I shall beg leave to subjoin the following relation, extracted from the *Ottoman* history.

A GROCER, of the city of *Smyrna*, had a son, who, with the assistance of the little learning the country afforded him, was exalted to the post of *Naib*, or deputy to the *Cadi*, or mayor of the city; whose office was to visit the markets, and make an inspection into the weights and measures of retailing dealers. One day, as this officer was performing his duty, the neighbours, who were sufficiently acquainted with the character of his father to form a suspicion that he might stand in

necessity

neceſſity of caution, adviſed him to move his weights, for fear of the conſequences of an inſpection: but the old cheat, depending on his affinity to the inſpector, not imagining his ſon would expoſe him to a public indignity, derided their advice, and ſtood very calmly at his ſhop-door for the reception of his ſon. The *Naib*, however, being well aſſured of the diſhoneſty and illicit dealing of his father, reſolved to detect his villainy, and make an example of ſo notorious an offender: accordingly he ſtopt at his door, and ſaid coolly to him, "good man, fetch out your "weights that we may examine them." Inſtead of obeying, the grocer attempted to prevent it by conſidering it as a ſcene of merriment; but he was immediately convinced of the ſerious intentions of his ſon, by hearing him order the officers to ſearch his ſhop, and ſeeing them produce the inſtruments of his frauds, which, after an impartial examination, were openly condemned and deſtroyed. His ſhame and confuſion, however, he hoped would plead with a ſon for the remiſſion of all further puniſhment; but even this, though entirely arbitrary, the *Naib* executed with as much ſeverity as if he had been an indifferent offender, ſentencing him to a fine of fifty piaſtres, and to receive as many baſtinadoes on the ſoles of his feet. All this was executed upon the ſpot; after which the *Naib*, leaping from his horſe, threw himſelf at his feet, and watering them with his tears, addreſſed him thus: "father I have diſ-"charged my duty to my god, my ſovereign, "my country, and my ſtation: permit me now, "by my reſpect and ſubmiſſion, to acquit the "debt I owe a parent. Juſtice is blind; it is the "power of god on earth; it has no regard to "father or ſon. God, and the right of our "neighbour, are above the ties of nature: you

"had

" had offended againſt the laws of juſtice; you " deſerved this puniſhment; you would, in the " end, have received it from ſome other: I am " ſorry it was your fate to receive it from me. " My conſcience would not ſuffer me to act other- " wiſe: behave better for the future, and, inſtead " of blaming, pity my being reduced to ſo cruel " a neceſſity." This done, he mounted his horſe again, and continued his journey, amidſt the acclamations of the whole city for ſo extraordinary a piece of juſtice; report of which being made to the *ſublime porte*, the ſultan advanced him to the poſt of *Cadi*, from whence he gradually aroſe to the dignity of *Mufti*, who is the chief both of the religion and the law among the *Turks*.

But ſtill there is ſome favourable impreſſions to be made on a benevolent mind, from the different conſideration of criminals: there is a great extenuation in the difference of crimes, though one of an inferior kind is liable, in the eye of the law, to the ſame puniſhment to one of a more tranſcendent flagrancy: the ſtealing of a few ſhillings is equally criminal with the atrocious charge of murder; the latter is undoubtedly meritorious of death, but, though our law makes no abatement for the former, leniency is highly commendable, when done by thoſe who have the directions and ſuperintendency of the law. There is no greater proof of a humane and generous ſoul, than ſenſibly to feel the diſtreſſes and misfortunes of our fellow creatures: ſuch a tenderneſs of diſpoſition is looked upon, by ſome, as an infirmity of the mind; but if it is a weakneſs, there are thoſe that would not be without it for all the elevated refinement which *Dionyſius* may boaſt to be in the elder *Brutus*, when he tells us, " that he was " ſuperior to all thoſe paſſions which diſturb *hu-* " *man reaſon:*" though, in this, *Plutarch*, who

was

was a moſt perfect and excellent judge of human nature, was of a different opinion; for in his reflections on the conduct of *Brutus* and *Torquatus*, in putting their own children to death, he remains doubtful whether virtue could reach ſo far, or whether ſuch men were not incited to ſuch actions by ſome predominant paſſion, rather than by a ſtrict obſervation to the love of juſtice: how contrarient to the tenacious rigour of this ſtoical *Roman*, is the diſpoſition of our preſent gracious and clement monarch? to whom the author of the *Enquiry* pays a juſt and elegant compliment, by ſaying, "that the power of pardoning all crimes "ſeems, to our excellent ſovereign, to be the "moſt favourite part of his prerogative, as it is "the only one which hath been carried to its ut-"moſt extent in the preſent reign." To carry the hand of ſeverity ſo high, as to make no diſtinction in offences, is entirely perverting the allegorical depicture of *Juſtice*, who is repreſented blind-fold, to ſignify that ſhe makes no diſtinction in offenders, not in offences. I have heard it ſaid by a general officer, at this time one of the moſt remarkable ornaments to the kingdom, that it is barbarous to whip a poor ſoldier for the common infirmities of nature; but that deſertion, or cowardice in an engagement, ſhould be always puniſhed with death: though this has not the ſtrongeſt analogy to the caſe of a civil offender; yet, as it is the opinion of ſo eminent an officer, in contradiction to the example of other military gentlemen, I hope the mentioning of it will not be looked upon as impertinent; and as to any further remarks, upon this occaſion, I ſhall endeavour to give them a more explicite conſideration in the following diviſion.

VIII. "As

VIII. " As *to the manner of execution*;" it must be acknowledged that this is attended with too little solemnity at *Tyburn*, where the intrepid villain, would seem to die with as much unconcern as an *Epaminondas* bleeding with victory by his side; or a martyr suffering at the stake, in the sacred cause of religion: this very inadequately answers the intent of the law by public executions, which undoubtedly was to strike a terror in the spectators; and this the author of the *Enquiry* very justly attributes to the frequency of executions; which not only gives an air of intrepidity to an obdurate malefactor, but is defective in conveying a proper awe to the populace, who, indeed, seem to consider a *Tyburn* execution rather as a holiday, than an exhibition of justice. For the prevention of which, and to give the daring criminal a due sense of his dreadful situation, as well as to bring a requisite intimidation to the multitude, the author of the *Enquiry* has made himself an advocate, " for the execution to be made as soon as " possible after the commission and conviction of " the crime;" which execution he is also desirous of being made with the greatest solemnity and privacy, as well as celerity: for which purpose he proposes, " that the court at the *Old Bailey* should, " at the end of the trials, be adjourned during " four days; that, against the adjournment day, a " gallows should be erected in the area before the " court; that the criminals should be all brought " down on that day to receive sentence, and that " this should be executed the very moment after it " was pronounced, in the sight and presence of the " judges." Such methods as these may be suitable to the eastern tyrannies; but whether they would strike the strongest impressions on the multitude here, affords a very extensive field for argumentation;

tation: becauſe attempts of ſuch a nature have never been tolerated in this country, but under the moſt arbitrary adminiſtrations; and were they to be put in execution, under the lenient government of his preſent majeſty, is there not reaſon to apprehend, that the ignorant and tumultuous populace, would conſider this as an innovation on the moderation of our law? and they well know that in this moderation the happineſs of our conſtitution, and the liberty of the ſubject, principally depend. The chief difference between ſocial liberty and ſlavery, or between a limited and arbitrary government, conſiſts in this, that in the former the laws are publickly promulgated, by which every man has an opportunity of knowing what the crime is he commits, in what manner he is to be tried, and how he is to be puniſhed; whereas in the latter, the laws are unknown, as well as the methods of trial, and manner of puniſhment, becauſe they are all dependant upon the arbitrary will, or upon edicts and rules made *ex poſt facto* by the governor or governors: which never can be permitted in a free country; though it is ſaid that this was formerly carried to a very extraordinary extent in the *Iſle of Man*, where a notorious criminal was tried for ſome atrocious offence before the governor of the iſland, who enquired, of the principal deemſter, if there was no law that ſubjected the criminal to ſuffer death; but the judge anſwered his excellency, that he could not be poſitive whether there was ſuch a law or not; however it was not very material, for, if his excellency pleaſed, they could hang the man firſt, and make a law for it afterwards.

Executions immediately after ſentence have been frequently practiſed in *Ireland*, eſpecially in *Dublin*, where it is now cuſtomary againſt any

notorious offenders, particularly ſtreet-robbers; but it may be very reaſonably doubted whether it is productive of any beneficial effects: for the criminal ſeems to be more attentive to the preſervation of his body from the collegiate ſurgeons, than ſenſible of his ignominious death, or provident for the eternal felicity of his hovering ſoul; while the thronging populace are venting all their compaſſionate exclamations at the ſeverity of the ſentence, without the leaſt conſideration of the offender or his offence. The introduction of ſuch a practice in the *Britiſh* nation; may, with the greateſt degree of probability, be ſuppoſed to prove of no utility, while it may be attended with many inconveniences: the friends, the relations, of ſuch malefactors, may think the law too rigidly put into execution; therefore, how are we ſure but the populace will interpret this as an arbitrary act of rigour and barbarity? how are we certain but a giddy multitude will then be apprehenſive of tortures, forced confeſſions, and compulſory accuſations, which are the harbingers of arbitrary power? Dangerous may be the conſequences of innovations, in the execution of our laws: eſpecially when the very eſſence of the *Britiſh* conſtitution is conſidered to be, that the ſubjects of the realm are to be governed by known and eſtabliſhed laws; that no man, from the higheſt to the loweſt, is to be tried, condemned, or puniſhed, according to the arbitrary will and pleaſure of any one man, or of any one aſſembly of men, but according to thoſe cuſtoms which have been immemorially eſtabliſhed, or thoſe laws which have been approved of by the three branches of our legiſlature, which form the glory and the ſecurity of our conſtitution.

As to excluding the populace from the ſcene of execution, it ſeems to be inconſiſtent with the original

ginal intent of publickly inflicting the law, upon ſuch offenders, whoſe lives have been pernicious to ſociety, and whoſe deaths ought therefore to contribute as an expiation of their crimes, full in the view of the members of that community, whoſe privileges they had infringed. Whatever may be the real opinion of the author of the *Enquiry*, relative to this matter, I know not; but he has delivered one that is apparently fallacious: for I would appeal to any reaſonable man, that remembers the relation of the terrible maſſacre which the *Dutch* committed in *Batavia*, in October 1740, when they barbarouſly butchered above 12,000 unhappy *Chineſe*; and who has ſeen an execution at *Tyburn*; whether thoſe few immediate objects preſented to his view, have not made an infinitely ſtronger impreſſion upon his mind, than all the horrors which imagination could preſent, at the ſhocking intelligence of the other greater and remoter ſcene of ſlaughter? The man who has ſeen a military execution in *Hyde-park*, has been more ſenſibly ſtruck with terror, than at the relation of the terrible maſſacre which *Nadir Shah*, the *Perſian Sophy*, committted in his *Indian* expedition, where he made a greater ſcene of devaſtation than *Alexander the Great* had done almoſt 3,000 years before him; for *Kouli Kan*, from the battle of *Karnal*, to the general maſſacre at the imperial city of *Dehli*, cauſed the deſtruction of 200,000 *Indians* ſubject to the deſcendent of the illuſtrious *Aurengzeb*, and, as we are informed, made an acquiſition of treaſure amounting to the ſtupendous ſum of 125,000,000*l.* from the Great *Mogbol*. It may be objected, indeed, that theſe remoter inſtances, can never cauſe ſo great an impulſion upon the mind of man, as when a ſingle member of that community of which he is a part, is publickly diſmembered from it, though with all the

marks of ignominy and disgrace: to which the only answer, conveying any plausibility, is, that though the passions of the multitude are too contracted to extend their ideas any farther than what is peculiarly relative to themselves; yet the more rational man, who can relish the sublimity of thought occurring from a philosophical inspection through the ample bounds of this universal system, entertains the pleasing reflection of being a component part of the general community of all mankind, feels the illimitable wish of contributing as much to the welfare and happiness of the savage *African* as to the more civilized *European*, and shares that beatific bliss resulting from *universal charity*.

THE native of one climate, is not naturally more addicted to villainy than the inhabitant of another; from the *equator* to the *poles*, nature has been equally bountiful, and mutually tender, to all her children; dishonesty is not suckled at the fountain of maternal nutriment, it is begot by immorality, fostered by intemperance, and educated by necessity. Laws were therefore made, with restrictive punishments, for the security of society: if an *Englishman* is subjugated to the laws of his country, so is the poor *Hottentot* restrained by the more uncommon and less sagacious laws of *Caffraia*. Where the most exquisite tortures are inflicted on criminals, these are equally numerous with the malefactors in other governments of greater clemency: the knute in *Russia*, the impalements in *Turky*, the lex talionis in *Italy*, and the rack in *France*, are not sufficient to lessen the number of villains; they only increase their offences, by augmenting their despair; and aggravate their cruelty, by making murder a necessary consequence of robbery.

IMMORA-

IMMORALITY occaſions robberies every where; but is it not the frequency of executions that is the principal cauſe of murder in *England?* If ſo, how can it be avoided in this metropolis, where robberies are daily, and murders often, committed? Are not our laws either too rigid in ſome caſes, or too defective in others? ought the pilferer of a few ſhillings, to be puniſhed with the ſeverity due to a murderer? ought a felon, who perhaps has committed a burglary for the gratification of hunger, to ſuffer for a ſingle crime, equally with the more audacious and experienced villain, who has for years ſubſiſted on alien property, and has long evaded the ſcourge of juſtice? Is it not from this indiſcriminate execution of felons, that ſo many felonies have their ſource? *Montaigne*, in the ſecond chapter of his ſecond book, ſays, "The "world is nothing but variety and diſſimulation; "and that vices are all alike, becauſe they are "all vices:" this, he thinks, was the opinion of the ſtoics; but he obſerves, that though they are equally vices, they are not equal vices: for ſacrilege is a more flagitious crime, than the ſtealing of a colewort out of a garden; and in this opinion he is alſo confirmed by the *Venuſian* poet, who ſays,

Nec vincet ratio, tantundem ut peccat, idemque,
Qui teneros caules alieni fregerit horti,
Et qui nocturnus divum ſacra legerit.
Hor. Sat. 3. v. 115.

IF the frequency of executions is *the great cauſe* of preventing that terror which every legiſlator intends to excite by the ſeverity of the law; there may be more effectual ways of removing *this evil* than what has been projected by the author of the *Enquiry*. Inſtead of his inſtantaneous private execu-

executions, let death be more ſparingly and impartially adminiſtered; for every criminal, though equally guilty in the eye of the law, is not equally meritorious of death in the eye of juſtice. Murder ſhould be never pardoned, it is an offence to the deity, as well as to ſociety, and nothing but death can be its atonement: other crimes ſhould be more tenderly conſidered; highwaymen generally fall lamented, and they are frequently neceſſitous tradeſmen, obliged to this recourſe for ſupporting their credit, and preſerving themſelves from the rapacity of a ſordid creditor: an innocent perſon may inſenſibly expoſe himſelf to the puniſhment againſt forgery, becauſe it is not every one that knows the utterance is death: many poor ignorant people, who never committed any criminal act before, have loſt their lives for ſtealing a horſe; the ſame may be ſaid of burglars: but, as to *ſtreet-robbers*, the caſe is very different, for theſe are the moſt villainous, barbarous, and ſcandalous peſts to ſociety, who ought to be cut off from the face of the earth as ſo many noxious weeds interſeminated in a beautiful garden. Suppoſe thoſe criminals who are moſt intitled to mercy, inſtead of ſo frequently augmenting the number of executions, were tranſported for their lives to the colonies of *Georgia*, *Nova Scotia*, or any other ſettlement whoſe cultivation requires a greater number of inhabitants; this would in time ſufficiently ſtock our plantations, where the planter would then reſt in ſecurity from ſuch inſurrections as the negroes have committed in *Carolina* and the *Caribbee Iſlands*; and if there is a number ſufficient to ſtock the plantations, it will be increaſing the potency of the nation in *America*; the effects of which were viſibly ſeen in the reduction of *Cape-Breton*: or if it ſhould be thought

thought requiſite to participate in the profits of the *Spaniſh* trade among the *Philippine Iſlands*, is it an extravagant ſuppoſition to conjecture that the poſſeſſion of the elyſian iſland of *Tinian*, or any other of the *Marian Iſlands*, may receive an advantageous colonization from ſuch an exiled body of our countrymen?

THE detention of the priſoners in *Newgate*, and the other priſons about town, ſo long after their commitment, before they are arraigned, is one principal encouragement to the increaſe of villains: becauſe this procraſtination of trial, obliges the young or inexperienced priſoner, to contract a familiarity with others of a more deſperate and careleſs diſpoſition; which gives them an audacity that deſpiſes all the rigour of the law, and all the terrors of death. This has been already under the conſideration of ſome eminent perſonages in the law, who are of opinion, that an alteration in the preſent form of the ſeſſional proceedings is abſolutely requiſite: it has alſo been obſerved, to me, by a very eminent lawyer, that if the priſoners were more frequently to take their trials, and to be executed two or three at a time, inſtead of deferring their execution till a great number are to ſuffer together, that this would be a material ſtep to intimidate the frequency of robberies, and would be attended with one very requiſite piece of ſervice to the criminals, by clearing the goal, and removing the peſtilential vapours which occaſion the death of many miſerable priſoners; and he alſo thinks that ſome of thoſe notorious robbers, who deſperately wound the perſons they rob, ſhould be made ſufficient examples of, either by the *lex talionis*, immediately on conviction, and before ſentence of death; or elſe to have both their hands diſmembered from their body, and left to ſubſiſt on the contributions of their aſſociates,

ciates, who might be more awed by such an example of justice, than by an execution at *Tyburn*, which would be less regarded than the living shame, and their inability of continuing their wicked courses. This worthy gentleman is also of opinion, that there is too little solemnity in our public executions from the populace, and too little decency from the general part of the criminals; which, he says, might be easily prevented, by a more exemplary way of executing the law, even in the very precincts of *Newgate*, where there is sufficient room on the top of the prison to erect a gallows, and for the executioner to perform his office, which might be done, in the full view of the populace, without any molestation: so that the preparation of death might be conducted with such an extraordinary solemnity, as would strike all imaginable awe, and make the greatest penetration in the minds of the populace.

If executions were more uncommon, certainly the terror would be greater; and surely it is only humanity to say that many lives are lost at *Tyburn*, which might have been worthy of a prolongation, and could have returned the royal clemency in their services to the community. But then transportation is the least punishment that can be inflicted; and, in this, the law is frequently evaded, by the return of the convict: experience daily convinces us that many convicts return from transportation; though these are generally such who have discarded all thoughts of a laborious employment, and had rather run the most desperate hazards than submit to the toil of cultivating a plantation, or exercising their industry at any other business for which they are capacitated: but then the same experience assures us, that those convicts who are removed from the maritime

part

part of the colonies, and vigilantly confined to their labour, are ſoon ſenſible of the value of their huſbandry; and, inſtead of returning in a neceſſitous condition to *England*, they find it more for their advantage to continue at work in *America*, where they are capable not only of procuring all the neceſſaries of nature, but are commonly exalted to ſome conſiderable ſtation by their care and induſtry. But if the convict is entirely reluctant to work, proper methods may be concerted for their detention in the colony, and for compelling them from their incorrigible idleneſs, to a tractable diſpoſition for induſtry: the precautions already taken in *Maryland* are very well calculated for this purpoſe, though they are ſtill defective of entirely anſwering the end; and, therefore, I ſubmit the following propoſal to the conſideration of ſuch as think it worthy a peruſal.

SUPPOSE a conſiderable number of convicts were tranſported, either to *Georgia*, or to *Nova Scotia*; where, for their better ſecurity, a ſtrong houſe ſhould be erected for their reception, under the ſuperintendency of ſome ſubſtantial perſon. This ſuperintendant ſhould have the direction of their employments, with a power of correction: thoſe who were of a ſubmiſſive and induſtrious diſpoſition, ſhould be admitted to work in the plantations under the overſeers; where, if they were guilty of any miſbehaviour, they ſhould be corrected, or remitted to the ſuperintendant, who ſhould endeavour to reform them to a peaceable and tractable habit by a proper chaſtiſement: thoſe who were of an indolent obſtinate temper, ſhould be kept to hard labour, under a cloſe confinement, and an exemplary puniſhment, till ſuch time as their lazineſs was removed; when, according to their behaviour, they ſhould be admitted

mitted into the plantations. Such a ſcheme might effectually anſwer the original intent of tranſportation, which could be no other, than to diſburthen the mother country of an unworthy member, with a view of working his reformation, and of making him a valuable ſubject in the remoter appendages to thoſe dominions of which he was a native: it might contribute to the proſperity of our plantations in the augmentation of their commercial intereſt, during the tranquility of peace; and might prove their greateſt ſecurity in the dangers of military contention: it might ſave many of theſe deſperate wretches from arriving to an awarded end of ignominy, on their return to a country, from whoſe ſoil they are inhibited: and might, by diminiſhing the executions at *Tyburn*, eventually prove the means of aboliſhing thoſe dangerous aſſociations of villains, by which ſuch moleſtations are given to one of the beſt regulated ſocieties under the canopy of heaven: nor are there perſons wanting to carry this ſcheme into execution; for I know a gentleman, whoſe abilities have been ſo publickly manifeſted to the nation, that he is deſervedly eſteemed an ornament to the ſenate, his king, and his country; who is able, and probably willing, to bring ſuch a deſign to a beneficial concluſion.

SEC.

SECTION III.

Conſiderations *on the nature of* government *in general, and particularly of the* Britiſh conſtitution: *with a* vindication *of the rights and privileges of* the commonalty *of* England.

THUS, having entered into an extenſive conſideration of what the author of the *Enquiry* has aſſerted in the body of his diſcourſe; I ſhall now attempt to examine what, as it ſeems to me, is a very dangerous poſition, and advanced in his preface, as a preparatory ſtep for *rouzing the* CIVIL *power:* which I omitted to anſwer in the introduction to theſe obſervations, becauſe, as it appears to be the moſt eſſential part of the *Enquiry*, I found it requiſite to pay an extraordinary attention to this important matter: though, indeed, the following obſervations were communicated to me by the *happy cobler*, who has lately made his appearance in the literary world, by ingratiating himſelf into the favour of the principal gentlemen of our two univerſities, who have honoured his firſt performance by inſerting it in the laſt number of the *Student*, or *Oxford* and *Cambridge* monthly miſcellany.

THE author of the *Enquiry*, as is already obſerved in the introduction, has ingenuity enough to make an open declaration, "that the deſign of his "whole work is to rouze the CIVIL *power*, from "its preſent lethargic ſtate:" by which is to be underſtood, that the legiſlature ſhould give a proper exertion to ſuch obſolete or neglected laws as were anciently eſtabliſhed for the regulation of the commonalty, whoſe alteration in cuſtoms, manners, and habits, he aſſerts, has greatly altered the political conſtitution, of which this inferior claſs of people are now become a conſiderable part, though formerly ſubjected to tenures of the moſt ſlaviſh vaſſalage: all which he principally attributes *to the introduction of trade:* therefore, as trade is the parent of luxury, and as luxury is productive of all the predominant vices of the age, he endeavours to prove that this augmentation of privilege in the commonalty, has rendered it incapable of its original ſubjection to the *civil power*; which is the real ſource of all thoſe ſcenes of profligacy ſo evidently pernicious to the happineſs of ſociety, and ſo frequently fatal to thoſe deluded wretches who voluntarily incur the puniſhment of the offended laws, and unhappily plunge themſelves into the arms of deſtruction.

THE author of the *Enquiry* ſeems particularly attentive for augmenting the power of the *civil* magiſtrate, ſo as to enable every juſtice of peace, to reſtrain the liberty "of every riotous indepen-"dent butcher or baker, with two or three thou-"ſand pounds in his pocket;" for ſuch blunt *Engliſhmen* are not to be intimidated at the tremendous frown of a petty tyrant, who, with a baſhaw ſeverity, can hold the rod of oppreſſion over the head of poverty. If the commonalty have happily ſprung from the chains of ſlavery, and interwoven themſelves as ſo material a branch of the com-

community, ought they to be deprived of that liberty for which their anceſtors have ſo long, and ſo glorioufly, contended? Let it be remembered that one generation are only truſtees for another; that the rights we inherit, we are obliged, in equity, to bequeath as entire as we received them; that we cannot juſtify even a ſurrender, nor can avoid everlaſting reproach, if we permit them, by whatever hand, or means, to be raviſhed or pilfered away.

THE laws are the nerves and ſinews of ſociety; and as the magiſtrate is above the people in his legal capacity, ſo is the law above the magiſtrate; or elſe there could be no ſafety to the conſtitution. As no civil government is lawful, but what is founded upon compact and agreement between thoſe choſen to govern, and them who condeſcended to be governed; ſo the articles upon which they firſt ſtipulate the one with the other, become the fundamentals of the reſpective conſtitutions of nations, and, together with ſuperadded poſitive laws, are both the limits to the authority of the ruler, and the meaſures of the ſubjects obedience: therefore, to extend the right of the governor to command, and the duty of the ſubject to obey, beyond the laws of our country, is treaſon againſt the conſtitution, and treachery to the ſociety whereof we are members.

BY the law of nature, *Salus Populi*, the welfare of the people, is both the ſupreme and original law in government, as well as the ſcope and end of all other laws, and of government itſelf; becauſe the ſecurity of the body politic is always preferable to the ſafety of any individual member. *Herodotus* * tells us, "that the *Medians* choſe their "kings originally for the probity of their man-"ners, and in hopes of enjoying the benefits of "common

* Cicero de Offic. l. 2.

" common juſtice;" which, I am perſuaded, was alſo the end and practice of our predeceſſors: for the proſperity of all nations conſiſts in the regular diſpoſition of placing and meaſuring of power, and ſuch have been always found to proſper, who have delegated it to thoſe from whom uſurpations were leaſt to be apprehended; who have been leaſt ſubject to be awed, cheated, or corrupted; and who, having the greateſt intereſt in the nation, were moſt concerned to preſerve its power, liberty, and welfare: this is the greateſt truſt that can be repoſed in men: this power was, by the *Spartans*, given to the *Ephori*, and the ſenate of twenty-eight; in *Venice*, to that which they call *Concilio de Pregadi*; in *Germany*, *France*, *Spain*, *Sweden*, *Denmark*, *Poland*, *Hungary*, *Bohemia*, *England*, *Scotland*, and generally all the nations that have been ſubjected to the *Gothic* polity, it has been in their general aſſemblies, under the names of diets, cortez, parliaments, and ſenates. It is true, that the executive part of the *Britiſh* government is, both by our common and ſtatute laws, conveyed unto, and veſted in, the king; but, at the ſame time, there is ſufficient proviſion made, both in the terms of our conſtitution, and in our parliamentary acts, to prevent this from being prejudicial to the national ſecurity. For if the ſovereign has a right of overſeeing the execution of the laws, which is a prerogative inſeparable from the office of the ſupreme magiſtrate; becauſe the very ends to which he is inveſted with rectoral authority, and for which he is deſigned and eſtabliſhed, are the conſervation of the public peace, and the adminiſtration of juſtice among the members of the community: ſo is it appurtenant to a *Britiſh* parliament, as being one of the important ends for which it ought to be frequently called

and

and assembled, to inquire into, and punish, the crimes of judges, justices, magistrates, and all others employed by, and under, the king, in the executive part of the government: from hence it is, that as the *House of Commons*, among other capacities in which they sit and act, are, by the constitution, to be *the great Inquest of the kingdom*, to search into all the oppressions and injustices of the ministerial power; so the *House of Lords*, among their several other rights and privileges, stand clothed with the power and authority of the *High Court of Judicature of the nation*, who are to punish those who have been guilty of misbehaviour in other courts, as well as those whom inferior courts have either connived at, or have been so wicked as unrighteously to justify: of this all ages afford us precedents; nothing but the neglect of this in not making so frequent and signal examples of parliamentary justice, among the ministerial dispensers of our laws, as our ancestors were accustomed to do, hath been the encouragement and cause of so many usurpations and infringements of the laws, immunities, rights, and privileges, of the nation: for whatever the author of the *Enquiry* has mentioned of the constitutions of *Alfred*; it probably has escaped his observation, and he ought to be reminded, that this prince *caused forty-four justices to be hanged in one year, for illegal, false, and corrupt judgments.*

That our constitution is greatly altered since the *Norman* conquest, is undoubtedly true; and very happily for the national interest it is so: for what were the liberties of our progenitors after the defeat of *Harold?* they were too precarious to be called a right: *Englishmen* were then a race of subjected vassals to their haughty insolent conquerors: but, though oppressed, they were still tenacious of their liberties, they struggled hard

for

for their redemption, and at last got them confirmed, after a deprivation of 149 years, by their glorious *Magna Charta.*

When the northern nations had, at different times, overrun the western part of the *Roman* empire, the general of the army became king of the conquered country, and divided the lands amongst the principal military officers, afterwards called *Barons*; who again parcelled them out to the inferior soldiers, which made them their vassals, and was the original institution of military tenures, whereby every man was obliged to attend his lord in the field; but when the danger was over, every man returned to the spot of agriculture. Thus were the armies of *Europe* composed for about 1100 years; and this constitution of society put the sword into the hands of the subjects, which more effectually secured the freedom of these governments. About the year 1460, ancient learning beginning to revive, the politer customs of *Greece* and *Rome* were introduced among the better sort of people in *England*: but as mankind have a natural propensity to pleasure, so those arts were first improved, which were subservient to luxury; by which men began to neglect their frugal and military way of living, addicting themselves to the pursuit of refined and expensive pleasures. The far greater share of these expences fell upon the *Barons*: this plunged them so excessively in debt, that they found themselves, at last, obliged to convert the military service of their vassals into a pecuniary obligation; by which means the vassal could be no longer obliged to military service. Thus the armies, which formerly were composed of vassals, ceased; the sword fell out of the hands of the *Barons*; and the people began to breathe the air of liberty.

FROM the reign of *John*, to the time that *William* III. aſcended the throne of *England*, the whole conſtitution received ſeveral alterations, both in the regal and parliamentary intereſt, as well as in that of the commonalty: *the introduction of trade*, together with the improvement of arts, and a refinement in ſciences, has augmented and eſtabliſhed the privileges of freeborn *Engliſhmen*; nor have they tended leſs towards increaſing the power of the other branches of the community.

THE office of a king and a preſerver ſhould be the ſame; and our laws preſume the ſovereign of *Great Britain* to be no other: for, according to *Bracton*, lib. iii. c. 9. "the whole power of the "king of *England*, is to do good, and not to do "hurt; nor can he do any thing as a king, but "what he can legally do:" and as we know no king, but a ſovereign by law; ſo we are aſſured, by *Forteſcue* lib. i. c. 8. and iii. c. 9. "That he "governs not his people by a regal and an ab- "ſolute power, but by a politic, or a limitted "legal, power:" hence, according to the ſtatute of proviſions, 25 *Edw.* III. our princes were bound to ſwear at their coronation, "that they would "govern according to law, and preſerve unto "the people all their cuſtoms and franchiſes." Our laws are far from leaving it to the courteſy of a ſovereign, whether he will be contented with ſuch a limited commiſſion or not; on the contrary, they have this political jealouſy for their very foundation, and our monarchs found their ſubjects, as far as human prudence could provide, protected with a ſtrong mural fence from the power of their profeſſed preſerver, as well as from the turbulence and violence of each other. However ſuch reſtrictions, though only from doing miſchief, were what ſeveral of our former ſovereigns could

not bear; to miſtruſt their goodneſs was an affront; to tie their hands an indignity: in conſequence, to enlarge the prerogative of royalty, and preſerve the charter of liberty entire, became the grand ſtruggle of the people and their princes, for many ages, but more particularly under the *Steuartine* adminiſtrations; in which almoſt infinite ſums were expended, and many legions of gallant lives were ſacrificed: however, the ballance turned in favour of the people; for in all diſputes between power and liberty, power muſt always be proved, but liberty proves itſelf; the one being founded upon poſitive law, the other upon the law of nature.

THE *Revolution* eſtabliſhed the privileges of *Engliſhmen*, by being productive of the *Bill of Rights*; whereby the parliament inſiſted upon ſeveral of thoſe ancient and indubitable liberties of the people, which had been rapaciouſly invaded. At this day, when our excellent conſtitution is ſupported by ſuch *Herculean* pillars of polity, as *Magna Charta* and the *Bill of Rights*, who can have the aſſurance to ſay, "that an immenſe acceſſion of power hath accrued to the commonalty by the increaſe of trade?" Or who can have the effrontery to affirm, "that the *civil* power not having increaſed, but decreaſed, in the ſame proportion, is not able to govern the commonalty?" To confute ſuch aſſertions, it is only neceſſary to reflect upon the nature of our government, which has veſted ſo large and unlimited an exerciſe of power in the crown, without any other conſtitutional check upon it, than the right of denying money to ſupport its meaſures. The public has been long accuſtomed to look upon the power of the ſovereign as circumſcribed and limited, without the concurrence of parliament: but from what does this limitation

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ariſe? not from any poſitive act of the conſtitution; becauſe, excepting the power of levying money, there is very little of that real authority poſſeſſed by any other, even an arbitrary prince, of which our ſovereigns are abridged: for are not the making war and peace; the appointing officers into all places of profit and truſt; the diſpoſal of the public money when granted; the prorogation and diſſolution of parliaments; the right of pardoning offenders; are not theſe, and numberleſs other rights, now veſted abſolutely and uncontroulably in the crown? How then is the juſt prerogative of royalty diminiſhed?

PARLIAMENTS were formerly eſteemed as the grand mound between the tyranny of the prince, and the anarchy of the people; they were looked upon as a ſovereign remedy for all grievances; and an infallible preſervative of the health, ſpirit, and vigour of the conſtitution: but after the reſtoration of *Charles* II. when the polite court of that polite monarch introduced ſuch exotic ſcenes of luxury, a ſcandalous miniſterial influence began, like a ſlow poiſon, gradually to ſap every avenue, and undermine every turret, round the fair throne of *freedom:* while the people, ſhielded from the incroachments and oppreſſions of the monarch, were lulled in ſecurity after the *Revolution*, with no ſuſpicion of becoming a prey to the miniſter; and, leaſt of all, of being fettered by their own repreſentatives: however, they ſoon afterwards found moſt of their leading patriots transformed into placemen and courtiers. From this remarkable period, it has been no longer the policy of courts to contend with, but to influence, parliaments: while, on the other hand, aſpiring men ſeem to have made it their rule, firſt, to ſhew their teeth and growl, as if they were actually the guardians of the conſtitution,

only to have the better opportunity of worrying it afterwards. As we never had a miniſtry, who were not at the devotion of the court; and as the court had generally ſome ſecret views, which could not be gratified without giving umbrage to the people, becauſe incompatible with the public intereſt; there has always been room for oppoſition: but the incredible multiplication of debts, taxes, and offices, has enabled all miniſters, in turn, to call off their purſuers; and, by dealing out a portion of the ſpoil, to ſecure themſelves an indemnity. If, therefore, we have been rendered more ſecure from violence by the *Revolution*, which, perhaps, is not altogether demonſtrable neither; we have certainly been more expoſed to corruption than ever: beſides, from the *Revolution* almoſt to the preſent time, complaints have been made of the ſums granted, and frequently of manifold breaches of truſt in the application of thoſe ſums, which were not only profuſely ſquandered, but even applied towards the ſubverſion of the conſtitution.

Hence, it is apparent, that the prerogatives of *Britiſh* royalty have ſuffered no diminution; and it is equally evident, that the commonalty have been imperceptibly declining in their privileges, by a deprivation of their principal ſupport in the corruption of the parliament, where bribery has been ſo far promoted, as to ſap the very foundation of the government. How, therefore, can it be conjectured, that a reduction of the liberties, or an infringement upon the privileges, of the commonalty are requiſite? for what have our anceſtors been ſo laviſh of their blood; was it not to give a noble freedom to their poſterity? was it not to give happineſs and proſperity to *Engliſhmen?* and, after all, where is the miſcreant that can be deſirous of overthrowing ſo glorious a conſtitution,

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of ſinking us again beneath the *Gothic* gloom of barbarity, and bowing our free necks to the galling yoke of ſervility?

THE weakneſs of ſome men, and the obſtinacy of others, may cauſe frequent diſputes as to the real conſtitution itſelf, which, in ſome parts of it, are, like the ſacred writings, not abſolutely clear to the beſt and moſt unbiaſſed underſtandings; though the eſſential points of it are well known and perfectly underſtood; nor can they be miſtaken but for want of courage, attention, or integrity.

SLAVERY creates a kind of lazineſs and idle deſpondency, which puts men beyond the extremities either of hope or fear; and the greateſt pleaſure mortals, in ſuch a ſtate, are capable of taſting, is that of being indolent, careleſs, and inſenſible: this was too plainly demonſtrated in the vaſſalages of *Scotland*, where the legiſlature has but lately aboliſhed thoſe heritable juriſdictions which ſubjected the poor *Highlander*, to the abſolute will of his capricious *Laird:* then how is it poſſible to make the commonalty of *England*, equally ſubſervient to an inſolent magiſtrate, or an imperious maſter, as the poor *African* ſlaves are to the turbulent inhuman planter of *Virginia?* The law ſays the king is the fountain of juſtice, and all juſtice done within the realm, is properly ſaid to flow from this fountain; but then it muſt always run in the known and certain channels which the law hath preſcribed. As the ſubjects of the king are born to land, and other things, ſo are they born to inherit and enjoy the laws of the realm, that every man might have an equal benefit by law: it is, therefore, called *common right*, and is a greater inheritance to every man, than that which deſcends hereditarily to him from his parents; becauſe, thereby, his goods, lands, wife, children, his body, life, honour, and eſtimation, are protected

tected from injury: this *common right* is also called, *the law of the subject*, and, as *Lord Coke* says, the judges are sworn to execute justice according to the law and custom of *England*. The administration of justice is the principal duty of the magistrate, which when absolutely neglected, must reduce a free people to the lowest state of servility; a government of liberty must then degenerate into tyranny or anarchy. Justice, as it was the first bond of society, as it originally united mankind for their mutual benefit, instructing the weaker to enter into compacts, which were a sort of primeval laws, to defend one another against the stronger; so does it stand, at this day, the basis of civil society, being so necessary to the security, peace, and happiness, both of the prince and people, that even the most absolute governments are obliged to submit to it. Had the progenitors of those gentlemen who are now serving their country, either in their ministerial or senatorial capacities, testified no greater concern for the liberty of the commonalty of *England*, than the author of the *Enquiry* has done; had they carried their views no farther than their own immediate offspring; how demonstrable is it, that, many an age ago, the inhabitants of this noble island would have had neither liberty nor property to lose? Have public spirit, private integrity, love of virtue, sense of fame, or dread of infamy, deserted our nobility and gentry of parliamentary rank? No, let us hope the contrary; let us hope there are not many of them so base, so sordid, so selfish, so venal, so shameless, as to meet temptation half way, instead of waiting its approach: for to this fatality many were formerly led to apprehend, that we were sold to perdition, and that redemption could not reach us. If the inferior part of the community are sunk in the greatest depravity, by

the uſe of intoxicating liquors; the better ſort are honeſt, induſtrious members of ſociety, and friends to their country: therefore, on what account ought their privileges to be ſuppreſſed? is it to pleaſe the galled pride, and capricious humour, of an inſolent or a malicious magiſtrate? are not the penal laws already thought oppreſſive? and is not the military power now, in a manner, interwoven as a contexture of our conſtitution, and always ready to aſſiſt the *civil* officer?

THE military power is now become very formidable in this country, though it can never tend to the ſupport of liberty ſo properly as a militia, which made ancient *Rome* the miſtreſs of the world; but ſtanding armies enſlaved that great people; for their excellent militia and freedom periſhed together. Among the different colonies of the northern nations, which overran the greateſt part of the *European* territories, the inferior ſoldiers were vaſſals, who held their lands by military ſervice; ſo that there was no ſtanding army kept on foot: but when the defence of the country demanded a military force, the king ſummoned his barons, who came attended with their vaſſals to the royal ſtandard. In *Britain*, though the power of the barons ceaſed, no mercenary forces were then eſtabliſhed: the reaſon of which was, that *England* had, before this great alteration, loſt her conqueſts in *France*; ſo that the kings had no pretence for ſtanding forces, till the reign of *Charles* I, who endeavoured to make himſelf abſolute, though ſomewhat prepoſterouſly; for he attempted to ſeize the ſword, before he was maſter of the purſe: but many were of opinion, that, if he had been poſſeſſed of ſuch numerous guards as were conſtantly kept up by *Charles* II, he might have ſucceeded in his attempt. *James* II. was the firſt of our monarchs, who actually kept

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up a regular army in time of peace; but this was made one of the articles of his forfeiture of the crown, and contributed much to the *Revolution*. Some former grievances were rectified at that period, and our liberties put in a safer condition; yet *King William* III. attempted to keep up an army contrary to the very foundation of his government; but, to the immortal honour of his parliament, he was obliged to disband it: however, the scheme afterwards succeeded, and the military power is, at length, become interwoven with the *civil*; though we are now governed by the revolutional principles.

How then can the commonalty of *Britain*, be dangerous to the legislature? how are they obnoxious to government? and why ought they to be abridged in their liberties, at a time when the regal, ministerial, or civil authority, are securely protected, inforced, and assisted, by the innovation of a military power? One of the principal advantages that the history of past ages conveys to the present is, that it sets up so many beacons to give warning to posterity, how dangerous it is to degenerate from the established principles of that plan of government, whereby a people become great or considerable: it is by invariably pursuing those, that a nation, however reduced by unfortunate events, however embarrassed by intricate conjunctures, will, at last, work itself clear. This maxim of perseverance was thoroughly understood in the virtuous ages of *Old Rome*, and has been of itself sufficient, even where effeminacy, luxury, and superstition, prevail in a state, to preserve the glory and liberties of the people: on the contrary, the deviation from it, for convenience, or on the account of temporary expedients, has proved fatal to nations, in which the individuals were generally frugal and uncorrupted.

Who

Who can ſuſpect the *Venetians* of any exemplary purity of manners? yet, by their obſtinate perſeverance in the eſtabliſhed maxims of their government, they have preſerved their glory and public liberties, under the moſt diſcouraging circumſtances that any people ever experienced; while a neighbouring republic, famous for the induſtry and frugality of its private ſubjects, no longer makes that figure in the affairs of *Europe* which it was accuſtomed to do, and which can be attributed to nothing ſo properly, as their deviating from that origin of character upon which their government was founded.

It is the duty of every honeſt *Engliſhman*, to aim at the preſervation of every part of the original conſtitution; to keep each conſtituent part of the government pure and entire; and to conſider that the moſt minute deviation from the legiſlative or communitative branches, in any thing material, cannot be made without prejudicing the royal prerogative, or infringing the liberties of the ſubject: for there is the more reaſon to guard againſt any innovation in the conſtitution, becauſe the nature of ſo nice and delicate a frame is too apt to be eaſily diſturbed, and by the leaſt diſlocation, in the ſmalleſt part, the whole may be unhinged; therefore, it may not be improper here to conſider the words of *Valerius*, in a very elegant and important ſpeech, which he made in the ſenate of *Rome*; "The more eyes there are upon the conduct of "every branch of our legiſlature, the more ſe- "cure will be our liberty, and the more perfect "our conſtitution."

If there is the leaſt revocation of the darling and eſſential privileges of freeborn *Engliſhmen*, what are we to expect but violent commotions from the turbulent paſſions of an exaſperated multitude; what can we hope to ſee, but a

ſtate of clamour, confuſion, and anarchy? Or ſhould they tamely ſubmit, and negligently behold themſelves diſmembered of their rights and privileges ſucceſſively, this iſland would be no more the ſeat of liberty; ſlavery would introduce indolence, indolence poverty, and poverty contempt: freedom, arts, and ſciences, would then have their rotation, winging their vagrant flight up the *Baltic*, ſhunning their once-loved ſtreams of *Iliſſus*, *Tiber*, *Thames*, and *Seyne*, and fixing their reſidence on the long-neglected banks of the *Volga*; infuſing all their ſpirit among the rude inhabitants of the north; civilizing the unpoliſhed *Muſcovite*; and giving the deſcendants of the *Czarian* family, an opportunity of glorioufly unfolding their imperial eagle in the very center of the ſouthern nations, and of becoming the ſovereign arbiters of *Europe*; while the *Auſtrian* eagle is diſplumaged, the lillies of *France* drooping to the ground, and the *Britiſh* lion inglorioufly ſlumbering in the net of captivity.

The E N D.

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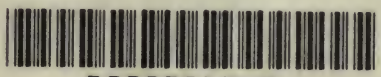

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